

# ALLIANCE TO END PLASTIC WASTE

Plastic waste in the environment, particularly the ocean, is a serious global challenge that calls for swift action and strong leadership. Despite the many benefits plastics bring to people and communities around the world, including improvements in living standards, health, safety, and sustainability, unmanaged plastic waste has become a global challenge.

**WHO:** Companies that make, use, sell, process, collect, and recycle plastics, together with the World Business Council for Sustainable Development as a founding strategic partner.

**WHAT:** The most comprehensive cross-value chain initiative of its kind with a clear mission to **end plastic waste in the environment.**

**WHEN:** The Alliance to End Plastic Waste is kicking off immediately with several diverse initial projects.

**WHY:** To end plastic waste in the environment.

**WHERE:** Throughout the world, with a particular emphasis on where the need is greatest, such as Southeast Asia.

**HOW:** By collaborating with others working to end plastic waste in the environment and applying the resources, engineering and technical experience of Alliance members to advance an integrated four part strategy:



## INFRASTRUCTURE DEVELOPMENT

Infrastructure Development to collect and manage plastic waste, and increase recycling in areas of greatest need.



## INNOVATION

Innovation to minimize waste, and advance and bring to scale new technologies that make recycling and recovering plastics easier and create value from all post-use plastics.



## EDUCATION & ENGAGEMENT

Education and Engagement of governments, businesses, and communities to mobilize action.



## CLEAN UP

Clean Up of areas where plastic waste is concentrated today, particularly major rivers that carry significant amounts of plastic waste to the ocean.

The Alliance to End Plastic Waste is made up of nearly 30 companies that have committed more than \$1 billion, with the goal of investing \$1.5 billion over the next 5 years to help end plastic waste in the environment. The Alliance will develop, deploy and bring to scale solutions that will minimize and manage plastic waste and promote solutions for used plastics, including reuse, recovery, and recycling plastic to keep it out of the environment.

Message

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**From:** Swearingen, Anastasia [anastasia\_swearingen@americanchemistry.com]  
**Sent:** 2/26/2019 10:23:57 PM  
**To:** Weber, Katherine P [WeberKP@state.gov]  
**CC:** Clark, Andrew D [ClarkAD@state.gov]; Kovner, Karissa [Kovner.Karissa@epa.gov]; Nazef, Laura [Nazef.Laura@epa.gov]; Helms, Greg [Helms.Greg@epa.gov]; Yohannes, Lia [Yohannes.Lia@epa.gov]; Picardi, Rick [Picardi.Rick@epa.gov]; Holland, Keri J [HollandKJ@state.gov]; Landside, Jennifer R [LandsideJR@state.gov]; Tatum, Jana [Tatum.Jana@epa.gov]  
**Subject:** Re: Catching up on Stockholm, Basel, SAICM, and UNEA

Perfect- I look forward to speaking on SAICM and catching up on other issues after UNEA. Thank you!

Sent from my iPhone

On Feb 26, 2019, at 4:39 PM, Weber, Katherine P <WeberKP@state.gov> wrote:

Hi Anastasia,

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Thanks,  
Kate

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**Cc:** Tatum, Jana <Tatum.Jana@epa.gov>  
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Hi Anastasia,

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Best,

Andrew

**Official**

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Best regards,

Anastasia

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**To:** Swearingen, Anastasia; Kovner, Karissa; Clark, Andrew D; Nazef, Laura; [Helms.Greg@epa.gov](mailto:Helms.Greg@epa.gov); Yohannes, Lia; Picardi, Rick; Holland, Keri J; Landsidle, Jennifer R  
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Thanks, and apologies for the late notice,  
Kate

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**Sent:** Tuesday, February 19, 2019 5:11 PM  
**To:** Weber, Katherine P; Swearingen, Anastasia; Kovner, Karissa; Clark, Andrew D; Nazef, Laura; [Helms.Greg@epa.gov](mailto:Helms.Greg@epa.gov); Yohannes, Lia; Picardi, Rick; Holland, Keri J; Landsidle, Jennifer R  
**Cc:** Tatum, Jana  
**Subject:** Catching up on Stockholm, Basel, SAICM, and UNEA  
**When:** Thursday, February 28, 2019 10:00 PM-11:00 PM (UTC+01:00) Amsterdam, Berlin, Bern, Rome, Stockholm, Vienna.  
**Where:**

ED\_004133A\_00004804-00002

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**Subject:** Catching up on Stockholm, Basel, SAICM, and UNEA

Good morning,

To those of you who are not aware, I have taken over for Nicole Mlade since her departure from ACC. I look forward to working with you all! I am emailing to schedule a call or meeting for the week of February 25<sup>th</sup> if possible to discuss numerous upcoming chemical and waste management issues.

While there are numerous plastics issues in these venues, I'd like to schedule this meeting to talk about the non-plastics issues. In particular, we'd like to discuss the proposed amendments by Russia to amend the Stockholm Convention and consideration of waste containing nanomaterials under Basel. We'd also like to touch base ahead of the SAICM OEWG in April and some of the chemicals and waste issues expected at UNEA.

Please let me know when you are available. While I am busy the afternoon of the 25<sup>th</sup>, I can make any other day/time that week work.

Thank you!

Best regards,

Anastasia

**Anastasia Swearingen** | American Chemistry Council  
Director, Global Affairs  
[Anastasia\\_Swearingen@americanchemistry.com](mailto:Anastasia_Swearingen@americanchemistry.com)  
700 2<sup>nd</sup> Street, NE | Washington, DC | 20002  
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## **Suggestions by Argentina relating to the proposals by Norway to amend Annexes II, VIII and IX of the Basel Convention**

### **(COP14 agenda item 4(b)(v) - Marine plastic litter and microplastics)**

*The Government of Argentina acknowledges the proposals by Norway to amend Annexes II, VIII and IX of the Convention, which aim at better controlling transboundary movements of plastic waste and supporting their environmentally sound management.*

*Argentina supports the idea of addressing the challenge of plastic waste and waste in general, through policies and initiatives to promote its reduction, reuse and recycling, according to the hierarchy of waste. Also, we understand that any initiative should, prior to its implementation, take into consideration the impact it would have, so as to avoid barriers to recycling and to the promotion of the circular economy.*

*In order to accomplish this, the Government of Argentina is presenting this conference room paper with an amendment proposal for Annex VIII and IX. These changes are designed to improve the sound management of plastic waste while not putting at risk all the efforts made to promote a recycling. Argentina looks forward to discussing these proposals with all interested Parties and observers.*

#### **Rationale for Argentina's proposal:**

- *To include Plastic waste under Annex II would imply the need to demonstrate that there is no presence of hazardous characteristics prior any import or export, causing delays and extra costs, thus resulting in inefficiencies.*
- *To include Recyclable Plastic waste mixed among each other under Annex II would an impact in terms of:*
  - *Time: delays in processing notifications*
  - *Costs: resources dedicated for processing notifications in import, export and transit countries, as well as exporters and importers.*
  - *If there is local treatment available, then export won't be possible in accordance to the provisions of the convention.*
  - *It would imply a distinctive treatment to a particular material, when the state of mixtures is also applicable to other recyclable waste streams such as: paper, metals, cardboards.*
- *In conclusion, plastics under B3010 do not present hazardous characteristics and therefore should not be considered hazardous waste, even when mixed with other B3010 waste. By doing so, a clear disincentive for recycling would be established.*

## Suggestions for changes to the Norwegian proposals (track changes version)

The text below contains suggestions in track changes compared to the Norwegian proposals.

### ~~Annex II~~

*Proposal for a new entry:*

~~Y48:~~ Plastic waste not covered by entry ~~AXXX~~ of Annex VIII or B3010 of Annex IX.

### Annex VIII

*Proposal for a new entry:*

~~Plastic waste~~

**A3210<sup>1</sup>** Plastic waste containing or contaminated with Annex I constituents, to an extent that they exhibit an Annex III characteristic, **or mixed with other wastes<sup>2</sup>** (note the related entry on list B B3010)

### Annex IX

*Proposal for a new text for entry B3010* to replace the existing chapeau of the entry, the existing indents and sub indents to remain unchanged:

**B3010<sup>3</sup>** Plastic waste (**note the related entry on list A A3210**):

The plastic materials, listed below, provided they are not to an extent which prevents the recycling of the waste in an environmentally sound manner, mixed with each other, mixed with other wastes<sup>4</sup> or **mixed with other wastes<sup>5</sup>** or contaminated<sup>6</sup> **to an extent which prevents the recycling of the waste in an environmentally sound manner**: ~~Consignments of such plastic material should be prepared to a specification and suitable for immediate recycling requiring only minimal further mechanical preparatory treatment processes, if any (note the related entry on list A AXXXXX):~~

- ~~Serap~~ plastic **waste** of non-halogenated polymers and co-polymers, including but not limited to the following:
  - ~~–ethylene~~
  - ~~–styrene~~
  - ~~–polypropylene~~
  - ~~–polyethylene terephthalate~~

<sup>1</sup> **This entry becomes effective as of 31 December 2020;**

<sup>2</sup> **Mixed with other wastes not covered under B3010**

<sup>3</sup> **This entry becomes effective as of 31 December 2020;**

<sup>4</sup> ~~Mixed with other wastes means waste that results from an intentional or unintentional mixing of two or more different wastes~~

<sup>5</sup> **With other wastes not covered under B3010.**

<sup>6</sup> Contamination may comprise:

- non-recyclable material, e.g. nappies, rubble, dog waste;
- ~~non-targeted material, e.g. plastic packaging included in 'plastic bottles only' collections;~~ or
- ~~targeted materials contaminated with unwanted items, e.g. dirt, stones, food-contaminated cardboard or plastic bottles containing liquids.~~

---

-acrylonitrile  
 -butadiene  
 -polyacetals  
 -polyamides  
 -polybutylene terephthalate  
 -polycarbonates  
 -polyethers  
 -polyphenylene sulphides  
 -acrylic polymers  
 -alkanes C10-C13 (plasticiser)  
 -polyurethane (not containing CFCs)  
 -polysiloxanes  
 -polymethyl methacrylate  
 -polyvinyl alcohol  
 -polyvinyl butyral  
 -polyvinyl acetate

- Cured waste resins or condensation products including the following:
  - urea formaldehyde resins
  - phenol formaldehyde resins
  - melamine formaldehyde resins
  - epoxy resins
  - alkyd resins
  - polyamides
- The following fluorinated polymer wastes:
  - perfluoroethylene/propylene (FEP)
  - perfluoro alkoxyl alkane
  - tetrafluoroethylene/per fluoro vinyl ether (PFA)
  - tetrafluoroethylene/per fluoro methylvinyl ether (MFA)
  - polyvinylfluoride (PVF)
  - polyvinylidene fluoride (PVDF)

## Clean version based on our suggestions for changes to the Norwegian proposals

### Annex VIII

*Proposal for a new entry:*

A3210<sup>7</sup> Plastic waste containing or contaminated with Annex I constituents to an extent that they exhibit an Annex III characteristic or mixed with other wastes<sup>8</sup> (note the related entry on list B B3010)

### Annex IX

Proposal for a new text for the entry B3010

B3010<sup>9</sup> Plastic waste (note the related entry on list A A3210):

The plastic materials listed below, provided they are not mixed with other wastes<sup>10</sup> or contaminated<sup>11</sup> to an extent which prevents the recycling of the waste in an environmentally sound manner.

- Plastic waste of non-halogenated polymers
- Cured waste resins or condensation products including the following:
  - urea formaldehyde resins
  - phenol formaldehyde resins
  - melamine formaldehyde resins
  - epoxy resins
  - alkyd resins
  - polyamides
- The following fluorinated polymer wastes:
  - perfluoroethylene/propylene (FEP)
  - perfluoro alkoxyl alkane
  - tetrafluoroethylene/per fluoro vinyl ether (PFA)
  - tetrafluoroethylene/per fluoro methylvinyl ether (MFA)
  - polyvinylfluoride (PVF)
  - polyvinylidene fluoride (PVDF)

[...]

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<sup>7</sup> This entry becomes effective as of 31 December 2020;

<sup>8</sup> Mixed with other wastes not covered under B3010,

<sup>9</sup> This entry becomes effective as of 31 December 2020;

<sup>10</sup> Mixed with other wastes not covered under B3010.

<sup>11</sup> Contamination may comprise:

- non-recyclable material, e.g. nappies, rubble, dog waste; or
- with unwanted items, e.g. dirt, stones, food-contaminated cardboard or plastic bottles containing liquids



Cefic comments to ECHA PBT expert group on the questions raised during the ECHA PBT eg webex meeting of 29<sup>th</sup> March 2019 regarding parameters used to support a Long-Range Transport proposal.

**Question A** - Do you agree on DS conclusion that UV-328 (2-(2H-benzotriazol-2-yl)-4,6-ditertpentylphenol—EC# 247-384-8) fulfils the criteria for long-range transport, as provided in slide #17?

**Response:** No we don't. Cefic without commenting specifically on the substance, disagree on the approach taken, as long range is not demonstrated in air, via transport as adsorbed to aerosols, nor in water and neither in migratory species.

#### **Annex D (d) (i)**

The dossier acknowledges that *"The detection of UV-328 in remote locations has not been extensive. UV-328 is not yet a chemical routinely measured in samples from remote locations and the limited field data are not conclusive"* yet in the conclusion it is stated *"Moreover, the ubiquitous presence worldwide, from the Pacific Ocean to remote areas in the Arctic provides evidence of long-range transport of UV-328 in the environment"*.

#### **Cefic comment:**

- This is based on a summary of monitoring data from both source and remote locations without any assessment of the quality of the monitoring data or assessment of the potential sources that might have contributed to the presence of the substance in the matrices monitored.
- Presentation of detection in biota and other matrices around the globe and in more remote areas without a differentiation of the impact of local sources and remote sources is not an accurate assessment of the potential for LRT. Without the causal link of the source relative to the monitoring site a scientifically sound assessment of LRT is not possible (Cowan-Elisberry, 2009).
- The monitoring data presented do not give clear evidence of the presence in remote areas. It is detected in Eastern US, Eastern Asia and Europe, and therefore contribution from local sources would warrant additional review.
- In addition, the ranges of concentrations for each matrices is very large. Furthermore, some concentrations in water are higher than the water solubility limit, conferring some doubts on the data presented.

**Annex D (d) (ii and iii)** outlines the route of exposure leading to LRT, such as air, water and migratory species.

#### **Cefic comment**

- Enough evidence is not provided in the dossier to support the proposed pathways leading to LRT.
- Based on substance properties, LRT in air and water are not demonstrated based on the short air half-life (0.68 days) and water half-life (74 days), and an estimated characteristic distance (CTD: 2,801 km) shorter than the criterion (i.e., 5,096 km).

Although the document claims that the results of UV-328 are comparable to those of legacy POPs, only substance in the top right section of Figure 2 (or Slide #21) are the chemical space of concern based on the criteria for LRT:

- i)  $P_{OV} > 195$  days,      ii) CTD  $> 5,096$  km, and      iii) TE  $> 2.25\%$  (UNEP, 2012).

Such justification is not sufficient to conclude that a material has a POP profile.

- In fact, the OECD  $P_{OV}$  LRT Tool has the same criteria for LRT:

i)  $P_{OV} > 195$  days,                      ii) CTD  $> 5,096$  km, and                      iii) TE  $> 2.25\%$  (UNEP, 2012).

- And UV-328 meets criteria of  $P_{OV}$  (196 days) and TE (12.4%), but not the criterion of CTD (half CTD threshold value calculated). It is noted that the  $P_{OV}$  was due to strong partition to soil, where UV-238 is immobilized, and that the TE would be more relevant to a location near the local release (due to the short CTD) than to a remote area.

In addition, the OECD Pov LRT Tool is an instrument for screening non-ionizing organic chemicals for environmental hazard and for ranking chemicals in terms of long-range transport potential and overall persistence. It can be used to compare with other reference chemicals but the emission scenarios used in The Tool are generic and therefore worst case estimations.

Furthermore, Monte Carlo uncertainty analysis is highly recommended to identify and quantify the influence of uncertainty in the final results (*Wegmann et al. 2009*). We do not have evidence of such analysis, nor the information on the hypothesis that were considered for the emission scenarios (main compartment of emission, volumes...).

The review of the information indicates that transport on aerosol is not plausible.

- Transport via aerosol particles is not demonstrated. If the substance was to partition to aerosol, exposure at the point of deposition may only be possible if the air/particle partitioning is reversible, e.g. when  $\log K_{OA}$  is the range e.g. 6.5-10 (*Wania, 2003*).
- The  $\log K_{OA}$  for this compound is 17.8 and the sorption by the atmospheric particulates is irreversible. The compound is expected to be scavenged out of the atmosphere and deposited around the source region (*Wania, 2003*).
- Finally, the assessment is based on a hidden assumption that sorbed UV-328 to aerosol would not be degradable in air. This speculation is not supported since the degradation in air may not cease in air despite its adsorbed state, as the sorption is only monolayer on outer surface of the particles at low air concentration. Furthermore, the photolysis of the compound may be catalyzed by the aerosol (*Franklin et al., 2000*).

Migration in biota: The report speculates on the likely long-range transport by migratory species. It said *"it is feasible that migratory birds would carry UV-328 to remote locations either through sediments trapped in their body (e.g., paws, feathers) or in the stomach content after feeding off contaminated biota (e.g., seafood, fish).*

- Beyond the hypothesis, no data is provided to discuss the mechanism contributing to a reasonable mass of the chemical from the source to the remote regions, as well as the transported amounts of sediment through this mechanism
- It is not expected that the amount of sediment transported would result in a sufficient rate of transfer to remote areas.

References made on regulatory actions:

The report indicates the dossier is based in part on The Screening Assessment Report On Phenol, 2-(2H-Benzotriazol-2-yl)-4,6-bis(1,1-dimethylpropyl)- (BDTP), prepared by the Environment and Climate Change Canada (ECCC) – Health Canada, from May 2016 5.

However the dossier does not acknowledge that the conclusion from Canada, was: "it is not entering the environment in a quantity or concentration or under conditions that have or may have an immediate or long-term harmful effect on the environment or its biological diversity, and it is not entering the environment in a quantity or concentration or under conditions that constitute or may constitute a danger to the environment on which life depends."

- It seems difficult to justify that this substance warrants global action if a conclusion from another Party is so completely different.

Question B - Does the PBT EG agree on DS additional suggested pathway to support further LRTP of this persistent chemical used in plastics? If yes, are you of the opinion that measuring UV-328 in plastic debris samples from remote locations would strengthen the evidence for LRTP, e.g., in an Annex E context?

Response: No, we don't. Current academic research evaluating the role of marine litter (macro and microplastic) indicates that available evidence support this exposure pathway as being of minimal importance in comparison to other routes of exposure. In addition, the reliability and relevance of the sole publication cited to suggest a potential leaching would merit further review.

The route of transport hypothesized in the dossier is the long-range transport in water as a result of surface transport in marine water (ocean) as a substance incorporated in the plastic matrix. The authors of the draft POP nomination speculate on the potential role of marine plastic debris, as carrier of hydrophobic organic contaminants detected in marine debris and the associated potential exposure in marine water.

This hypothesis is strongly disputed in the academic literature.

- Bioavailability of plastic-associated chemicals is limited based their incorporation in the matrix and associated slower desorption in relation to gut transfer duration. Desorption half-lives for some organic chemicals from microplastics range from weeks to years (Endo et al., 2013), while laboratory studies reported complete egestion of microplastics (even at unrealistically high exposures) within 48 hours (Grigorakis et al., 2017).
- Natural routes of exposure (e.g. water, natural diet, etc) have been shown to be the predominant exposure pathway for POPs (Bakir et al., 2016; Beckingham and Ghosh, 2017; Besseling et al., 2017; Clukey et al., 2017; Gouin et al., 2011; Herzke et al., 2016; Koelmans et al., 2013; Koelmans et al. 2016).
- For these reasons, effects of microplastic ingestion on chemical bioaccumulation (i.e. uptake by the organism) is generally minor in nature.

Recently, several extensive reviews summarize the role of microplastics as potential vector or an exposure pathway for transport of chemical substances.

- This research has shown that other exposure routes likely play a more dominant role in delivering HOCs to organisms (Bakir et al., 2016; Koelmans et al., 2016; Ziccardi et al., 2016; Wang et al., 2018).
- Diepens and Koelmans (2018) indicated that the “effects of microplastics on HOC accumulation generally were small when microplastic made up less than 3% of the diet, a condition which probably is met for many habitats.”
- Burns and Boxall (2018) concluded “available evidence either does not support that microplastics can act as a vector of HOCs into organisms or is inconclusive”.
- A similar conclusion was reached by the EU commission’s “Science Advice for Policy by European Academies” (SAPEA 2019).

Moreover, the use of a quantitative weight of evidence (QWoE) approach by applying a robust, reproducible and transparent methodology to account for and assess the quality of all pertinent lines of evidence is strongly recommended before any conclusion is drawn on LRTP.

- WoE methodologies have been developed and are applied worldwide by the scientific community for concluding on a wide range of properties and mechanisms when assessing human and environmental risk/hazard.
- Examples may be found in different works like the ones listed here: Dekant W Bridges JW (2016); Bridges JW and Solomon KR (2016); Dekant W, et al.(2017); Dekant W, Bridges JW (2016); Bridges JW, et al.(2017); Becker RA, et al.(2017). Stephenson GL, Solomon KR (2017)

Question C – Does the PBT EG suggest another route to prove LRTP further? Or to support DS claims?

**Response:** The assessment should focus on route of LRTP outlined in Annex D of the Stockholm convention.

- LRTP is investigated through other media than the atmosphere in case of water-soluble substances.
- Substances that have a potential for Long-Range Transport through water are those displaying affinity with water which is not the case with the current chemical.
- The use of plastics as a vehicle for Long Range Transport is a biased assessment which in the end does not consider the actual bioavailability of the chemical for trophic chains.

Question D – Does the PBT EG have access to more relevant (recent) ecotoxicity data that is not quoted in the SVHC dossier?

**Response:** Cefic does not respond to substance specific question.

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#### References of document mentioned:

**Bakir, A., O'Connor, I.A., Rowland, S.J., Hendriks, A.J., Thompson, R.C., 2016.** Relative importance of microplastics as a pathway for the transfer of hydrophobic organic chemicals to marine life. *Environ. Pollut.* 219, 56–65. doi:10.1016/j.envpol.2016.09.046

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**Beckingham, B., Ghosh, U., 2017.** Differential bioavailability of polychlorinated biphenyls associated with environmental particles: Microplastic in comparison to wood, coal and biochar. *Environ. Pollut.* 220, 150–158. doi:10.1016/j.envpol.2016.09.033

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**Bridges JW and Solomon KR (2016)** Quantitative weight of evidence analysis of the persistence, bioaccumulation, toxicity and potential long range transport of the cyclic volatile methyl siloxanes *J Toxicol. Environ. Health B Crit Rev* 19 345-379

**Clukey, K.E., Lepczyk, C.A., Balazs, G.H., Work, T.M., Li, Q.X., Bachman, M.J., Lynch, J.M., 2017.** Persistent organic pollutants in fat of three species of Pacific pelagic longline caught sea turtles: Accumulation in relation to ingested plastic marine debris. *Sci. Total Environ.* 610-611, 420-411. doi:10.1016/j.scitotenv.2017.07.242.

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**Dekant W Bridges JW (2016)** A quantitative weight of evidence methodology for the assessment of reproductive and developmental toxicity and its application for classification and labelling of chemicals. *Regul. Toxicol Pharmacol* 82, 173-185

**Dekant W, Bridges JW (2016)** Assessment of reproductive and developmental effects of DINP, DnHP and DCHP using quantitative weight of evidence *Regul. Toxicol. Pharmacol* 82, 173-185

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Message

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**From:** Stowe, Lauren C. EOP/USTR [Lauren.C.Stowe@ustr.eop.gov]  
**Sent:** 9/19/2019 9:27:56 PM  
**To:** Swearingen, Anastasia [anastasia\_swearingen@americanchemistry.com]  
**CC:** Kovner, Karissa [Kovner.Karissa@epa.gov]; Williams, Larke S [WilliamsLS@state.gov]; Clark, Andrew D [ClarkAD@state.gov]; Nazef, Laura [Nazef.Laura@epa.gov]; Holland, Keri J [HollandKJ@state.gov]; Winch, Emilie [WinchEC@state.gov]; Brzytwa, Edward [Edward\_Brzytwa@americanchemistry.com]  
**Subject:** Re: [EXTERNAL] RE: Pre-Bangkok SAICM Discussion

Anastasia,

This is so helpful. Thank you so much.

All best,  
Lauren

On Sep 19, 2019, at 11:01 PM, Swearingen, Anastasia <[anastasia\\_swearingen@americanchemistry.com](mailto:anastasia_swearingen@americanchemistry.com)> wrote:

Dear all,

As promised, a few insights from Jacob, mostly on the Adelphi approach:

- <!--[if !supportLists]--><!--[endif]-->The current thinking is not to have a separate “friends of the president” group on the Adelphi approach, but rather to discuss the Adelphi paper as part of the working group on global governance.
- <!--[if !supportLists]--><!--[endif]-->He noted the HAA is having a lot of trouble defining what “higher ambition” is that is not already captured in other areas.
- <!--[if !supportLists]--><!--[endif]-->He offered insights into how Gertrud Sahler perceives our many questions (both from industry and the US government) about how the Adelphi approach would be operationalized as being more obstructive than constructive. He advised trying to offer solutions to our questions rather than simply asking the question without alternatives.
- <!--[if !supportLists]--><!--[endif]-->He advised that Gertrud Sahler and those working on the proposal are very open to language changes, noting that she is not a native English speaker, nor are most of those working on the proposal and therefore the language is not always as exact as we would prefer.
- <!--[if !supportLists]--><!--[endif]-->He raised that there is no consensus position within the IOMC about the Adelphi approach. He specifically noted that some organizations, such as WHO, are very constrained by their mandates as to what they can do and take up within the context of the IOMC. There are very diverging views within the IOMC organizations on the approach.
- <!--[if !supportLists]--><!--[endif]-->His view is that having the governments integrated into the IOMC would be a very difficult hurdle.
- <!--[if !supportLists]--><!--[endif]-->He supported having something come out of this call for increased ambition and governments and encouraged governments and stakeholders to think not in terms of whether it is needed for all countries but whether it will help many developing countries to have this mechanism.

Most of this you likely have already heard from Jacob or are already aware of these points, but wanted to share his perspective and insights as you prepare for IP-3. Please let me know if you have any questions.

Best regards,

Anastasia

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**From:** Kovner, Karissa [<mailto:Kovner.Karissa@epa.gov>]  
**Sent:** Wednesday, September 18, 2019 5:03 PM  
**To:** Swearingen, Anastasia  
**Cc:** Williams, Larke S; Clark, Andrew D; Nazef, Laura; Holland, Keri J; Stowe, Lauren C. EOP/USTR; Winch, Emilie; Brzytwa, Edward; Schmidt, Karyn  
**Subject:** Re: Pre-Bangkok SAICM Discussion

That would be great. I'm excited for him and think he'll be awesome in that job, but will miss him on SAICM for sure.

On Sep 18, 2019, at 3:50 PM, Swearingen, Anastasia <[anastasia\\_swearingen@americanchemistry.com](mailto:anastasia_swearingen@americanchemistry.com)> wrote:

So sorry we had a webex outage! The only additional item I had to note was that Karyn and I are chatting with Jacob Duer tomorrow to get some insights on the upcoming meeting. As you may know, he is leaving UN Environment and will be the new CEO for the Alliance to End Plastic Waste, but given his involvement in the SAICM process we asked for a bit of his time. If he has any useful insights, we will convey to you.

Thank you all for taking the time for this call on such short notice!

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**From:** Swearingen, Anastasia  
**Sent:** Wednesday, September 18, 2019 10:06 AM  
**To:** 'Williams, Larke S'; 'Clark, Andrew D'; 'Nazef, Laura'; 'Holland, Keri J'; 'Kovner, Karissa'; 'Stowe, Lauren C. EOP/USTR'; 'Winch, Emilie'  
**Cc:** Brzytwa, Edward; Schmidt, Karyn  
**Subject:** RE: Pre-Bangkok SAICM Discussion

Dear all—

Ahead of our call this afternoon, I am attaching ICCA's position on financing for SAICM post-2020. This will be submitted as an INF document to the Secretariat. To address some of the concerns from developing countries, particularly GRULAC, ICCA is supporting the establishment of fee-based chemical management systems around the globe. In countries where they are not yet ready for chemical management regulation, we have emphasized the need for additional GEF funding targeted at those developing countries and the role industry plays in general taxes and in supporting capacity building efforts. We have also tried to better illustrate the many different ways industry contributes to the SAICM objectives, including through company EHS spending, capacity building efforts, and various UN partnerships.

Additionally, ICCA is supporting the OECD-ILO-UNITAR GHS alliance, but have not yet determined the scope of our commitment. In our feedback to the IGOs, we emphasized the need to allow countries to implement GHS in the manner that makes sense for that country (e.g. no expectation that the US will adopt GHS for pesticides or consumer products). Additionally, there should be recognition that chemicals will not be classified in the same way in all regions. Essentially, we see no need for the EU-style of GHS to be the format imposed on the rest of the world.

Best regards,

Anastasia

**Anastasia Swearingen** | American Chemistry Council  
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**From:** Swearingen, Anastasia  
**Sent:** Tuesday, September 17, 2019 3:58 PM  
**To:** 'Williams, Larke S'; Clark, Andrew D; Nazef, Laura; Holland, Keri J; Kovner, Karissa; Stowe, Lauren C. EOP/USTR; Winch, Emilie  
**Cc:** Brzytwa, Edward; Schmidt, Karyn  
**Subject:** RE: Pre-Bangkok SAICM Discussion

All—

Thank you for the quick responses. It sounds like Wednesday at 3pm works for most. I can send around a calendar invitation with call-in information. Lauren and Larke—I hope you're enjoying Paris!

Anastasia

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**From:** Williams, Larke S [<mailto:WilliamsLS@state.gov>]  
**Sent:** Tuesday, September 17, 2019 3:06 PM  
**To:** Clark, Andrew D; Nazef, Laura; Holland, Keri J; Kovner, Karissa; Stowe, Lauren C. EOP/USTR; Swearingen, Anastasia; Winch, Emilie  
**Cc:** Brzytwa, Edward; Schmidt, Karyn  
**Subject:** Re: Pre-Bangkok SAICM Discussion

My preference would be Wed at 3pm.

Sent from my BlackBerry 10 smartphone.

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**From:** Clark, Andrew D  
**Sent:** Tuesday, September 17, 2019 7:42 PM  
**To:** Nazef, Laura; Holland, Keri J; Kovner, Karissa; Stowe, Lauren C. EOP/USTR; Swearingen, Anastasia; Williams, S; Winch, Emilie  
**Cc:** Brzytwa, Edward; Schmidt, Karyn



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**Subject:** RE: Pre-Bangkok SAICM Discussion

I could do Wednesday at 3 but not Thursday.

Unclassified

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**From:** Nazef, Laura <Nazef.Laura@epa.gov>  
**Sent:** Tuesday, September 17, 2019 1:38 PM  
**To:** Holland, Keri J <HollandKJ@state.gov>; Kovner, Karissa <Kovner.Karissa@epa.gov>; Stowe, Lauren C. EOP/USTR <Lauren.C.Stowe@ustr.eop.gov>; Swearingen, Anastasia <anastasia\_swearingen@americanchemistry.com>; Williams, Larke S <WilliamsLS@state.gov>; Clark, Andrew D <ClarkAD@state.gov>; Winch, Emilie <WinchEC@state.gov>  
**Cc:** Brzytwa, Edward <Edward\_Brzytwa@americanchemistry.com>; Schmidt, Karyn <Karyn\_Schmidt@americanchemistry.com>  
**Subject:** RE: Pre-Bangkok SAICM Discussion

I could do either one of those times.

Laura

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**From:** Holland, Keri J <HollandKJ@state.gov>  
**Sent:** Tuesday, September 17, 2019 1:18 PM  
**To:** Kovner, Karissa <Kovner.Karissa@epa.gov>; Stowe, Lauren C. EOP/USTR <Lauren.C.Stowe@ustr.eop.gov>; Swearingen, Anastasia <anastasia\_swearingen@americanchemistry.com>; Williams, Larke S <WilliamsLS@state.gov>; Clark, Andrew D <ClarkAD@state.gov>; Nazef, Laura <Nazef.Laura@epa.gov>; Winch, Emilie <WinchEC@state.gov>  
**Cc:** Brzytwa, Edward <Edward\_Brzytwa@americanchemistry.com>; Schmidt, Karyn <Karyn\_Schmidt@americanchemistry.com>  
**Subject:** RE: Pre-Bangkok SAICM Discussion

3pm Thursday is a bit better, but I can make 3pm Wednesday work too.

Unclassified

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**From:** Kovner, Karissa <Kovner.Karissa@epa.gov>  
**Sent:** Tuesday, September 17, 2019 1:16 PM  
**To:** Stowe, Lauren C. EOP/USTR <Lauren.C.Stowe@ustr.eop.gov>; Swearingen, Anastasia <anastasia\_swearingen@americanchemistry.com>; Williams, Larke S <WilliamsLS@state.gov>; Clark, Andrew D <ClarkAD@state.gov>; Nazef, Laura <Nazef.Laura@epa.gov>; Winch, Emilie <WinchEC@state.gov>; Holland, Keri J <HollandKJ@state.gov>  
**Cc:** Brzytwa, Edward <Edward\_Brzytwa@americanchemistry.com>; Schmidt, Karyn <Karyn\_Schmidt@americanchemistry.com>  
**Subject:** RE: Pre-Bangkok SAICM Discussion

Thanks. I can do 3pm Wednesday or Thursday, but I have a medical appt on Friday afternoon so can't do Friday until 5pm or so.

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**From:** Stowe, Lauren C. EOP/USTR <Lauren.C.Stowe@ustr.eop.gov>  
**Sent:** Tuesday, September 17, 2019 1:08 PM

**To:** Swearingen, Anastasia <[anastasia\\_swearingen@americanchemistry.com](mailto:anastasia_swearingen@americanchemistry.com)>; Kovner, Karissa <[Kovner.Karissa@epa.gov](mailto:Kovner.Karissa@epa.gov)>; Williams, Larke S <[WilliamsLS@state.gov](mailto:WilliamsLS@state.gov)>; Clark, Andrew D <[ClarkAD@state.gov](mailto:ClarkAD@state.gov)>; Nazef, Laura <[Nazef.Laura@epa.gov](mailto:Nazef.Laura@epa.gov)>; Winch, Emilie <[WinchEC@state.gov](mailto:WinchEC@state.gov)>; Holland, Keri J <[HollandKJ@state.gov](mailto:HollandKJ@state.gov)>  
**Cc:** Brzytwa, Edward <[Edward\\_Brzytwa@americanchemistry.com](mailto:Edward_Brzytwa@americanchemistry.com)>; Schmidt, Karyn <[Karyn\\_Schmidt@americanchemistry.com](mailto:Karyn_Schmidt@americanchemistry.com)>  
**Subject:** RE: Pre-Bangkok SAICM Discussion

Dear Anastasia,

Thanks so much for reaching out. Larke and I will be in Paris this week, which is a more manageable time difference than Hanoi. I could join a call in the late evening Paris time. Maybe Wednesday, Thursday or Friday at 3pm DC/9pm Paris? Does that ballpark of timing work for folks?

Best,  
Lauren

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**Lauren C. Stowe**  
*Director, Environment & Natural Resources*  
*Office of the U.S. Trade Representative, Executive Office of the President*

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**From:** Swearingen, Anastasia <[anastasia\\_swearingen@americanchemistry.com](mailto:anastasia_swearingen@americanchemistry.com)>  
**Sent:** Tuesday, September 17, 2019 9:42 AM  
**To:** Kovner, Karissa <[Kovner.Karissa@epa.gov](mailto:Kovner.Karissa@epa.gov)>; Williams, Larke S <[WilliamsLS@state.gov](mailto:WilliamsLS@state.gov)>; Clark, Andrew D <[ClarkAD@state.gov](mailto:ClarkAD@state.gov)>; Nazef, Laura <[Nazef.Laura@epa.gov](mailto:Nazef.Laura@epa.gov)>; Winch, Emilie <[WinchEC@state.gov](mailto:WinchEC@state.gov)>; Stowe, Lauren C. EOP/USTR <[Lauren.C.Stowe@ustr.eop.gov](mailto:Lauren.C.Stowe@ustr.eop.gov)>; Holland, Keri J <[HollandKJ@state.gov](mailto:HollandKJ@state.gov)>  
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**Subject:** [EXTERNAL] Pre-Bangkok SAICM Discussion

Dear all,

As promised, we are reaching out post-APEC to provide an update on the SAICM discussions and discuss ACC and US Government priorities heading into Bangkok. I know your schedules are incredibly tight with all the meetings this month, but would you have time this week for a short call? Ed, our representative in Bangkok, will be traveling to Hanoi for a regulatory cooperation workshop with ASEAN countries next week.

Thank you,

Anastasia

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October 29, 2019

## Memorandum

This paper addresses two issues that have recently arisen in connection with the U.S. objection to the automatic incorporation of the 2019 Basel Convention plastics amendment into the OECD Decision on the Control of Transboundary Movements of Wastes Destined for Recovery Operations.

### 1. **Whether the alternative proposal proposed by the United States, if adopted, would somehow invalidate the Article 11 status of the OECD Decision under the Basel Convention.**

One threshold question is whether OECD member governments have latitude to adopt an amendment to the OECD Decision that does not fully incorporate all of the newly adopted plastics listings under the Basel Convention.

The short answer is yes: OECD member governments do have the latitude to adjust the scope of Basel-controlled plastic wastes that they choose to control through notice and consent procedures, without affecting the validity of the OECD Decision as a valid Article 11 agreement. The U.S. proposal, or some variation of it, is neither inconsistent with the spirit of the Basel Convention amendments, nor inconsistent with the legal obligations of Basel Convention parties under Article 11.

First, the Basel Convention parties adopted the plastics amendment based on their understanding that additional controls *under the Basel Convention* were necessary to ensure the environmentally sound management of plastic wastes. There is no indication that the Basel Convention parties had any concerns about trade of plastic wastes *among OECD member countries*. All of the expressed concerns about trade in plastics and the adverse impact of that trade were directly related to trade flows involving *non-OECD member countries*.

Second, there is ample precedent under the Basel Convention showing the wide scope of derogations that are permissible under article 11, including with respect to derogations under the existing OECD Decision. Article 11 allows derogations not only from the control *procedures* that apply to Basel-controlled wastes. It also allows derogations from the scope of wastes that *are deemed to be controlled* through notice and consent procedures. For example, the OECD Decision expressly states in Appendix 4 that the Basel Convention A1180 listing for hazardous electronics and A2060 for coal fly ash “do not apply” and instead that corresponding green control procedure entries “apply instead when appropriate.” Any suggestion that the failure to adopt controls on the full list of plastics controlled under the new Basel Convention amendment would be incompatible with the history and general understanding of the scope of article 11 in this context; no party has ever credibly asserted that the OECD Decision is not a valid article 11 agreement.

Third, any limit imposed on the flexibility of arrangements under the OECD agreement would logically mean that the EU would also be required to apply full Basel Convention controls (or at least OECD amber controls) to all Annex II-listed plastic wastes traded within the EU, even between two EU member states. This too is inconsistent with the common understanding of what can (and should be able to) be accomplished within the scope of a legitimate article 11 agreement.

## 2. Whether a “no-consensus” decision in the OECD negotiations would result in an exclusion of all plastic waste trade from the scope of the OECD Decision.

A second question concerns the implications of a failure to reach consensus within the OECD on an alternative listing for plastic wastes. To be sure, the far-preferable outcome of the current OECD negotiations is a consensus decision that achieves a uniform application of controls among OECD members as a whole. The alternative – in which trade controls are determined by domestic legislation among the relevant parties -- would be chaotic and highly inefficient. But in the event that consensus is *not* achieved, it is prudent to understand the potential legal consequences.

### Legally Available Interpretations

- The implications of a no-consensus outcome would present a novel question of interpretation under the OECD Decision.
- One highly restrictive reading is that such an outcome would remove all plastics from the scope of the OECD Decision and in addition preclude trade in most plastic wastes between the United States and OECD member countries that are parties to the Basel Convention.
  - Such trade would be permitted only if those OECD members were to conclude a separate article 11 agreement.
  - Under this reading, an OECD member that is a party to the Basel Convention (e.g., New Zealand) would be legally prohibited from trading a Y48 plastic waste with the United States, even if such waste trade is otherwise not subject to control under New Zealand or U.S. domestic law.
  - That result would also be compelled even if recycling in the United States would lead to the superior environmentally sound management of those wastes.
- But a more balanced and flexible interpretation of the legal consequences of the no-consensus outcome is also possible.
  - Under this alternative reading, the text of the appendices to the OECD Decision would be amended, as required by Chapter II.B.3.e, to make clear that the Basel Convention’s 2019 *plastics amendment* “will not be applied within the OECD Control System.”
  - However, that does not necessarily mean that all plastic *wastes* would be excluded from the full scope of the OECD Decision.
  - Instead, they could still be traded among OECD members, provided that such trade is consistent with the national legislation applicable to such wastes, as “wastes not listed” in the OECD.
    - The provisions of Chapter II.B.6 make it clear that wastes *can* be traded under the aegis of the OECD Decision even if they are not specifically listed in Appendix 3 or Appendix 4.
    - Chapter II.B.6 -- titled “wastes not listed in Appendices 3 or 4 to this Decision” -- is expressly designed for such wastes. It provides that wastes that are not listed in the Decision “shall be eligible for transboundary movements pursuant to this Decision, subject to [certain specified] conditions.” One of those conditions is that wastes will “be subject to the controls required for the transboundary movements of wastes by the domestic legislation of the countries concerned” -- a provision that is completely consistent with the language in Chapter II.B.3.e. stating that “each member country



retains its right to control such wastes in conformity with its domestic legislation and international law.”

- It is true that there is no express linkage in the text between the no-consensus provision in paragraph 3 of the Decision and the “wastes not listed” provisions in paragraph 6. And the language in the chapeau of paragraph 6 refers to “wastes that ... *have not yet been assigned*” to Appendix 3 or 4, which (if read narrowly) might suggest that it does not apply to wastes that were *previously* assigned to one of those appendices. But, that same language could also be read broadly to include the new Basel plastics amendment listings, which clearly have “not yet been assigned” to either Appendix.
- More importantly, there is nothing in the OECD Decision stating that wastes that are subject of a no-consensus decision are *per se* excluded in their entirety from the scope of the OECD decision.
- Indeed, the OECD Legal Directorate’s “*Explanatory Note*” appears to acknowledge that plastic wastes would remain within the scope of the OECD Decision, at least for some purposes.
  - It states (in paragraph 13) that “plastic waste would *continue to be subject to the existing general provisions contained in the OECD Decision*,” citing in particular the “safeguard” provisions in Chapter II.C and Chapter II.B.8.
  - If plastic wastes are subject to those general safeguard provisions, then they are clearly not outside the ambit of the OECD Decision, and could be traded under its aegis for purposes of Article 11 of the Basel Convention.

#### Policy Considerations Clearly Favor the More Flexible Interpretation

- From a policy standpoint, a more flexible reading makes much more sense.
- For example, in the situation above, the United States and New Zealand clearly *could* conclude a bilateral agreement that would permit such trade.
  - To do so, they would need that agreement to include safeguards to ensure the environmentally sound management of those wastes as required under the Basel Convention – safeguards that are *already in place* for trade under the OECD Decision. (For example, under the OECD Decision, there is a general requirement that all wastes shipped under the Decision, including those within the green control procedure, must be destined for recovery operations within a recovery facility that will handle them in an environmentally sound manner, as well as be covered by contracts and existing controls normally applied in commercial transactions.)
  - But why would we require those countries to devote time and resources to conclude a separate bilateral agreement when the OECD Decision is already available for that purpose?
- The OECD members should avoid a waste of time and resources that could be better directed at solving the underlying sources of marine plastic pollution that led to the Basel Amendment in the first place.

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For further information or questions please contact Russ LaMotte, [rlamotte@bdlaw.com](mailto:rlamotte@bdlaw.com).

November 5, 2019

**Memorandum:**  
**Safeguards and Interpretation of Basel and OECD Plastic Listings**

This memorandum responds to questions regarding interpretive ambiguities that have arisen in the context of the OECD negotiations regarding the incorporation of the Basel Convention plastic amendment into the OECD Waste Decision.

**Key Points**

We understand that, given the uncertainty as to exactly which plastic wastes are included in Annex II entry Y48 and Annex IX entry B3011, the question has arisen whether economic operators will be able to challenge a plastic waste classification under the OECD Decision, in a manner similar to the option available under the Basel Convention. The chapeaux to List A and List B of the Basel Convention allow stakeholders to provide evidence that a given waste is hazardous or is not hazardous. In contrast, there is no chapeaux to Annex II of the OECD Decision; there is a chapeau on only one Appendix of OECD Decision C(2001)107/FINAL, although there are other safeguard clauses.

In general, it is helpful in this context to keep in mind that both the Basel Convention and the OECD Decision are agreements that are not self-executing or directly binding on private actors. So in assessing opportunities of a private actor to challenge a particular classification as applied in particular transaction, reference to national implementing measures will be needed. We have focused below on where these agreements provide flexibility or interpretive scope to make adjustments to the default waste classifications.

The bottom line, however, is that the OECD Members should consider designing specific language to allow stakeholders to demonstrate that a given plastic waste, due to its characteristics or risks, is not subject to the Amber-list procedures and can instead move under the Green-list procedure. Such a mechanism would not apply by default under the OECD Decision as currently structured, but it could be added as part of the revision of the OECD Decision to cover plastics (e.g., by allowing OECD members to apply the Appendix 6 risk criteria to exempt a particular waste). This approach would be analogous to the procedures that are available to overcome the presumption of Basel controls that apply to waste listings under the current Annex VIII of the Basel Convention.

**Questions arising under the amended Basel Convention**

**Q1: Do the chapeaux and safeguards allow challenging a plastic waste under A3210 listing in Annex VIII?**

**A:** When the amendment enters into force, the A3210 listings will – like all of the other Annex VIII listings – be subject to the caveat/safeguards found in both Annex I paragraph (b) (“Designation of a waste on Annex VIII does not preclude, in a particular case, the use of Annex III to demonstrate that a waste is not hazardous pursuant to Article 1, paragraph 1 (a), of this Convention.”) and in the chapeau to Annex VIII (“Wastes contained in this Annex are characterized as hazardous under Article 1, paragraph 1 (a), of this Convention, and *their designation on this Annex does not preclude the use of Annex III to demonstrate that a waste is not hazardous.*”). Moreover, the application of the Annex III

safeguard is effectively *built into* the A3210 listing, because A3210, by its own terms, only applies to a plastic waste “to an extent that it exhibits an Annex III characteristic.” So it is in theory still possible for an operator to demonstrate to a party (e.g., via testing) that a given plastic waste is non-hazardous under the Basel Convention article 1.1(a), and therefore out of scope of Annex VIII. As noted above, the particular requirements for how an operator would challenge a proposed classification for a particular waste will depend on the implementing measures and practices of the countries concerned.

However, unlike other A-listed waste categories, the structure of the 2019 plastics amendments significantly affects the legal effect of that determination. A determination that a plastic waste is non-hazardous does not necessarily take the waste outside the scope of Basel Convention controls. Instead, the non-hazardous plastic waste will default into the catch-all scope of Y48 (and therefore be controlled as an “other waste” under the Convention), unless it also falls into one of the B3011 listings. The value of the Annex III safeguards to allow a waste to “test out” of the Basel scope is therefore significantly reduced for wastes that are “plastic wastes.”

**Q2: Do the chapeaux and safeguards allow challenging a plastic waste under B3011 listing in Annex IX?**

A: When the amendment enters into force, the B3011 listings will – like all of the other Annex IX listings – be subject to the caveat/safeguards found in both Annex I paragraph (b) (“Designation of a waste on Annex IX does not preclude, in a particular case, characterization of such a waste as hazardous pursuant to Article 1, paragraph 1 (a), of this Convention if it contains Annex I material to an extent causing it to exhibit an Annex III characteristic.”) and in the chapeau to Annex IX (“Wastes contained in this Annex will not be wastes covered by Article 1, paragraph 1 (a), of this Convention, unless they contain Annex I material to an extent causing them to exhibit an Annex III characteristic.”). So, even if a plastic waste falls into one of the four categories of plastics listed in B3011, if an operator or Party authority could demonstrate that a given plastic waste contains an Annex I constituent and exhibits an Annex III characteristic, the waste would fall out of Annex IX and instead be subject to the A3210 listing.

**Q3: Do the chapeaux and safeguards allow challenging a plastic waste under Y48 listing in Annex II?**

As explained above, the structure of the listings for plastic wastes is comprehensive, with the Y48 listing capturing all plastic wastes unless either (a) the waste contains an Annex I constituent and exhibits an Annex III hazard (in which case they are controlled as hazardous), or (b) the waste falls into one of the four categories of plastic wastes set out in B3011. Although there are ambiguities and questions about the scope of those four categories of the B3011 listing, there is no other mechanism by which an operator or Party would be able to identify a waste as uncontrolled.

#### **Questions arising under the to-be amended OECD Decision C(2001)107/FINAL**

The precise answers to Q4-Q6 will depend on whether and how the specific listings of plastic wastes are ultimately incorporated into the revised OECD Decision.

**Q4: Do the chapeaux and safeguards allow challenging a plastic waste under B3011 listing in Appendix 3?**





A: As noted above, there is obviously room for interpretation with respect to the terms of the B3011 listing itself. So there is likely to be room for trading operators and OECD member authorities to interpret and challenge a determination of whether a given waste falls into a B3011 listing.

Apart from those interpretations, in general (subject to the caveat above that the actual answer will depend on the specifics of the listing decision), a plastic waste listing in Appendix 3 of the OECD Decision that is modeled on the B3011 listing could still result in one of the 4 categories of plastic waste covered in B3011 being controlled under the amber list procedure. This result could arise under two scenarios:

- (a) If the plastic wastes fall into the general safeguard language of the Decision: That “safeguard” language is found in both Chapter C of the Decision and also in the chapeau of Appendix 3, and provides for amber list controls to apply to Appendix 3 wastes if they are contaminated by other materials to the extent that they increase the risks associated with wastes, based on Appendix 6 risk criteria, or that prevents recovery in an environmentally sound manner; or
- (b) If an OECD party makes a decision to exercise its right under Chapter II.B.4.b to treat the green-listed plastic waste as if subject to the amber procedure, subject to the notification obligation in II.B.5.

The Guidance Manual for the OECD decision clarifies that Appendix 3 incorporates by reference the *listings* in Basel Annex IX, not the chapeau of Annex IX. As with Basel implementation, the particular process for challenging a waste classification will depend in part on the measures used to implement the OECD Decision in the Member States concerned.

**Q5: Do the chapeaux and safeguards allow challenging a plastic waste under A3210 listing in Appendix 4?**

A: In general (and subject to the caveat above that the actual answer will depend on the specifics of the OECD listing decision), a waste falling under Basel A3210 would be subject to amber controls under the OECD agreement because it would be incorporated by reference in the current text of Appendix 4 part I (“Wastes listed in Annexes II and VIII of the Basel Convention”). A plastic waste falling into A3210 could, however, still potentially be controlled for purposes of trade between OECD member countries under the green list procedure, if the relevant OECD parties made a decision to exercise their rights under Chapter II.B.4.c to treat the amber-listed plastic waste as if subject to the green procedure, subject to the notification obligation in II.B.5.

If the question here is whether there would be an opportunity to challenge whether a given plastic waste is actually hazardous for purposes of OECD trade (assuming that A3210 is carried into the OECD Decision in Annex 4), the answer is yes. Not because of the caveat language in the chapeau of Annex VIII, but because (as noted above) the text of A3210 *itself*, by its own terms, only applies to a plastic waste “*to an extent that it exhibits an Annex III characteristic.*” (Note, however, that whether or not the amber procedure would still apply depends on how the Y48 Annex II listing is ultimately addressed in the revised OECD Decision.)

In the absence of language added to the OECD listing decision, there does not appear to be a separate channel by which a trading entity or OECD member state could “challenge” a listing. The language of an OECD listing for hazardous plastic wastes could in theory be drafted in a way that would differ from the text of A3210, such that even a plastic waste that would be considered “hazardous” under the Basel

Convention that is by default subject to the amber procedure in the OECD could be brought into under the Green-listed procedures for purposes of intra-OECD trade (e.g., if the Appendix 4 listing were drafted in a manner that allowed OECD members to apply the Appendix 6 risk criteria to exempt a particular waste from amber controls). However, the inclusion of such a provision would be novel in the OECD Decision and would require careful drafting to establish how such a waste would be controlled in the event of different views between the OECD members involved.

**Q6: Do the chapeaux and safeguards allow challenging a plastic waste under Y48 listing in Appendix 4?**

In general (and subject to the caveat above that the actually answer will depend on the specifics of the OECD listing decision), a waste falling under Basel Y48 would be subject to amber controls under the OECD agreement because it would be incorporated by reference in the current text of Appendix 4 part I (“Wastes listed in Annexes II and VIII of the Basel Convention”). A plastic waste falling into Y48 could, however, still potentially be controlled for purposes of trade between OECD member countries under the green list procedure, if the relevant OECD parties made a decision to exercise their rights under Chapter II.B.4.c to treat the amber-listed plastic waste as if subject to the green procedure, subject to the notification obligation in II.B.5.

In the absence of language added to the OECD listing decision, there does not appear to be a separate channel by which a trading entity or OECD member state could “challenge” a determination that a given plastic falls into the Y48 category, other than the ambiguity and interpretive scope afforded by the B3011 text as describe above.

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Message

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**Subject:** Comments from Canada on the Draft summary record of the First meeting of the Ad Hoc Task Team on the Basel Convention  
**Attachments:** ATT00001.txt

Dear Shardul Agrawala,

Thank you very much for preparing the draft summary record of the first face-to-face meeting of the Ad Hoc Task Team further to the Objection to Incorporation of Amendments to the Basel Convention into the OECD Decision on Transboundary Movements of Waste destined for Recovery Operations.

Upon review of the draft document, we noticed that important points raised by members during the meeting were not reflected in the report. Accordingly, we would respectfully suggest changes to the summary record as follows (in red):

Section 5. Discussion on selected topics

(...)

*Data availability on trade in plastic waste and capacity to manage such wastes*

Task Team members noted that when the Basel Amendments and modifications to the OECD Appendices come into force, this could result in significant shifts of trade flows of plastic waste, with the potential risk of straining waste management capacities in some importing OECD countries. The possibility of introducing a monitoring system for plastic waste flows between adherents to the OECD Decision was considered a useful tool to identify and assess potential issues.

In this context, the Secretariat presented a stocktake of available data sources that a monitoring system could draw on, and UNEP presented available information within the Basel Convention. Several Task Team members considered it crucial to maintain discussions on such a monitoring framework in parallel to the development of a proposal on amending Appendices 3 and 4. Several Task Team members also considered that collection of this information should not delay the Task Team's primary task in delivering a proposal on the integration of the Basel amendments to the WPRPW for its February meeting. Data could be collected in support of the decision at a later stage, and not necessarily before the task team concludes its mandate. The Secretariat also noted that consideration could be given to re-activating information requirements already provided for under the OECD Decision for specific points listed under Appendix 7.

## Section 6. Other issues

While most of the issues raised were directly related to modifying Appendices 3 and 4 as per the mandate of the Task Team, some also revolved around the implementation of the OECD Decision in a broader sense. Some Task Team members expressed the view that there is currently limited information on how the Decision is implemented in OECD Member Countries (e.g., the use of control procedures, in particular the accelerated procedure for pre-consented facilities; the application of Specific National Control procedures; and the Environmentally Sound Management of waste) both in relation to plastic waste, and more generally.

The Secretariat explained that besides modifications to Appendices 3 and 4, the Task Team could develop a broader set of recommendations relating to the OECD Decision for consideration by WPRPW. The meeting Secretariat suggested that a review of the implementation of the Council Decision may be a helpful first step in this respect. Several Task Team members expressed the view that this topic is outside the mandate of the Task Team, and therefore did not agree to commit to review the implementation of the Council Decision.

Best regards,

Maxime Dubé, Canadian member of the Task Team

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**From:** Aziza.PERRIERE@oecd.org <Aziza.PERRIERE@oecd.org>

**Sent:** 7 October 2019 6:35

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**Subject:** Draft summary record of the First meeting of the Ad Hoc Task Team on the Basel Convention

**Importance:** High

*Message from Shardul AGRAWALA, Head of Environment and Economy Integration Division, OECD Environment Directorate*

**To:** Members of Ad-hoc Task Team on the Basel Convention  
Observers of Ad-hoc Task Team on the Basel Convention

Dear Task Team members,

Please find attached a draft summary record of the first face-to-face meeting (19-20 September) of the Ad Hoc Task Team Further to the Objection to Incorporation of Amendments to the Basel Convention into the OECD Decision on Transboundary Movements of Waste destined for Recovery Operations ([OECD-LEGAL-0266](#)).

Task Team members are invited to provide comments to this draft **by 21 October 2019**.

The List of participants is also attached for reference.

The final version of this document will be shared with Task Team members and members of the Working Party on Resource Productivity and Waste (WPRPW).

Kind regards,



**Shardul  
Agrawala**  
Head of the  
Environment and  
Economy  
Integration  
Division  
Environment  
Directorate

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Message

---

**From:** Gael.DE-ROTALIER@ec.europa.eu [Gael.DE-ROTALIER@ec.europa.eu]  
**Sent:** 12/21/2019 1:48:38 PM  
**To:** Shardul.AGRAWALA@oecd.org; maxime.dube@canada.ca  
**CC:** stina.andersson@regeringskansliet.se; sofie.bouteligier@ovam.be; nicolas.encausse@developpement-durable.gouv.fr; michael.ernst@bmu.bund.de; peter.frijns@minienw.nl; hehei@mst.dk; KUMMERLE@biac.org; ylva.linden@naturvardsverket.se; patrick.mckell@defra.gov.uk; jmeijer@mma.gob.cl; sho.nakamura@mofa.go.jp; amwno@mfvm.dk; simlaoz@mfa.gov.tr; else.peuranen@ym.fi; Picardi, Rick [Picardi.Rick@epa.gov]; jay\_west@americanchemistry.com; Yohannes, Lia [Yohannes.Lia@epa.gov]; manuela.fernandes@mne.pt; malth@mst.dk; aadler@isri.org; stephane.arditi@eeb.org; dazoulay@ciel.org; rbartley@bir.org; Anne-Gaëlle.COLLOT@plasticseurope.org; Harriet.Drake@defra.gov.uk; melisa.lim@brsmeas.org; SEIKA\_SANNO@env.go.jp; sirine@no-burn.org; sakamoto@exri.co.jp; SmilanskyGM@state.gov; Lauren.C.Stowe@ustr.eop.gov; williams@state.gov; sophie.bernier@canada.ca; Gita.KOTHARI@oecd.org; Peter.BORKEY@oecd.org; Natalie.LIMBASAN@oecd.org; Justine.GARRETT@oecd.org; Frithjof.LAUBINGER@oecd.org  
**Subject:** Re: Comments from Canada: Revised documents: Task Team Report to WPRPW  
**Flag:** Follow up

Dear all

In the interest of finalising the document, we can agree with the suggestions to keep the texts highlighted in yellow in attached document 1 as proposed by Canada - as long as the text in the box at the beginning of "attached document 1" makes a clear reference to "attached document 2", as in the last version of the document sent by the OECD Secretariat (and we understand from Maxime's message that Canada is also in agreement with this).

Best regards

Gaël de Rotalier  
European Commission

---

**From:** Shardul.AGRAWALA@oecd.org <Shardul.AGRAWALA@oecd.org>  
**Sent:** 21 December 2019 06:16:47  
**To:** maxime.dube@canada.ca  
**Cc:** DE ROTALIER Gael (ENV); stina.andersson@regeringskansliet.se; sofie.bouteligier@ovam.be; nicolas.encausse@developpement-durable.gouv.fr; michael.ernst@bmu.bund.de; peter.frijns@minienw.nl; hehei@mst.dk; KUMMERLE@biac.org; ylva.linden@naturvardsverket.se; patrick.mckell@defra.gov.uk; jmeijer@mma.gob.cl; sho.nakamura@mofa.go.jp; amwno@mfvm.dk; simlaoz@mfa.gov.tr; else.peuranen@ym.fi; picardi.rick@epa.gov; jay\_west@americanchemistry.com; yohannes.lia@epa.gov; manuela.fernandes@mne.pt; malth@mst.dk; aadler@isri.org; stephane.arditi@eeb.org; dazoulay@ciel.org; rbartley@bir.org; Anne-Gaëlle.COLLOT@plasticseurope.org; Harriet.Drake@defra.gov.uk; melisa.lim@brsmeas.org; SEIKA\_SANNO@env.go.jp; sirine@no-burn.org; sakamoto@exri.co.jp; SmilanskyGM@state.gov; Lauren.C.Stowe@ustr.eop.gov; williams@state.gov; sophie.bernier@canada.ca; Gita.KOTHARI@oecd.org; Peter.BORKEY@oecd.org; Natalie.LIMBASAN@oecd.org; Justine.GARRETT@oecd.org; Frithjof.LAUBINGER@oecd.org  
**Subject:** Re: Comments from Canada: Revised documents: Task Team Report to WPRPW

Dear Maxime

Thanks for your comments.

If Gaël from the EU can confirm agreement ASAP with Canada then we can implement this before the document goes up.

If there is no agreement then we will have to put this report off to the second week of January as well.

The Secretariat is in the hands of the Task Team, but at this stage we risk sending the Report of the Task Team with significant delay to WPRPW. The OECD closes on Tuesday for the end of the year and most of the staff are already on leave.

best regards

Shardul

On 20 Dec 2019, at 22:15, Dube, Maxime (EC) <maxime.dube@canada.ca> wrote:

Dear Shardul and colleagues,

We would like to request that highlighted text in Appendices 3 and 4 remains as it was at the end of the face-to-face meeting on 4 December 2019. It is a matter of transparency and respect of the procedure agreed-upon at the meeting by Task Team members.

We respectfully disagree on the concept that consensus was obtained on the text of the headings. For example, "Solid Plastic Wastes" in Appendix 3 was modified in some way or another in all 3 of the proposed options.

However, we do agree to add a reference to "Attached Document 2".

Season Greetings,

Maxime Dubé  
Canadian Member of the Task Team

---

**From:** [Shardul.AGRAWALA@oecd.org](mailto:Shardul.AGRAWALA@oecd.org) <[Shardul.AGRAWALA@oecd.org](mailto:Shardul.AGRAWALA@oecd.org)>

**Sent:** 20 December 2019 11:41

**To:** [Gael.DE-ROTALIER@ec.europa.eu](mailto:Gael.DE-ROTALIER@ec.europa.eu); [stina.andersson@regeringskansliet.se](mailto:stina.andersson@regeringskansliet.se); [sofie.bouteligier@ovam.be](mailto:sofie.bouteligier@ovam.be); [nicolas.encausse@developpement-durable.gouv.fr](mailto:nicolas.encausse@developpement-durable.gouv.fr); [michael.ernst@bmu.bund.de](mailto:michael.ernst@bmu.bund.de); [peter.frijns@minienw.nl](mailto:peter.frijns@minienw.nl); [hehei@mst.dk](mailto:hehei@mst.dk); [KUMMERLE@biac.org](mailto:KUMMERLE@biac.org); [ylva.linden@naturvardsverket.se](mailto:ylva.linden@naturvardsverket.se); [patrick.mckell@defra.gov.uk](mailto:patrick.mckell@defra.gov.uk); [jmeijer@mma.gob.cl](mailto:jmeijer@mma.gob.cl); [sho.nakamura@mofa.go.jp](mailto:sho.nakamura@mofa.go.jp); [amwno@mfvm.dk](mailto:amwno@mfvm.dk); [simlaoz@mfa.gov.tr](mailto:simlaoz@mfa.gov.tr); [else.peuranen@ym.fi](mailto:else.peuranen@ym.fi); [picardi.rick@epa.gov](mailto:picardi.rick@epa.gov); [jay\\_west@americanchemistry.com](mailto:jay_west@americanchemistry.com); [yohannes.lia@epa.gov](mailto:yohannes.lia@epa.gov); [manuela.fernandes@mne.pt](mailto:manuela.fernandes@mne.pt); [malth@mst.dk](mailto:malth@mst.dk); [aadler@isri.org](mailto:aadler@isri.org); [stephane.arditi@eeb.org](mailto:stephane.arditi@eeb.org); [dazoulay@ciel.org](mailto:dazoulay@ciel.org); [rbartley@bir.org](mailto:rbartley@bir.org); [Anne-Gaelle.COLLOT@plasticseurope.org](mailto:Anne-Gaelle.COLLOT@plasticseurope.org); [Harriet.Drake@defra.gov.uk](mailto:Harriet.Drake@defra.gov.uk); Dube, Maxime (EC) <[maxime.dube@canada.ca](mailto:maxime.dube@canada.ca)>; [melisa.lim@brsmeas.org](mailto:melisa.lim@brsmeas.org); [SEIKA\\_SANNO@env.go.jp](mailto:SEIKA_SANNO@env.go.jp); [sirine@no-burn.org](mailto:sirine@no-burn.org); [sakamoto@exri.co.jp](mailto:sakamoto@exri.co.jp); [SmilanskyGM@state.gov](mailto:SmilanskyGM@state.gov); [Lauren.C.Stowe@ustr.eop.gov](mailto:Lauren.C.Stowe@ustr.eop.gov); [williams@state.gov](mailto:williams@state.gov); Bernier, Sophie (EC) <[sophie.bernier@canada.ca](mailto:sophie.bernier@canada.ca)>

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**Subject:** RE: Revised documents: Summary Record and Task Team Report to WPRPW

Dear members of the Task Team,

As you will have seen, the EU sent some further comments on the Task Team report and on the Summary Record that was circulated yesterday.

We were subsequently able to talk to the EU delegate Gaël De Rotalier about them and resolve some outstanding issues.

On the *Task Team report* we agreed only to a few changes that essentially aim to make clarifications to the text. For transparency, please see the attached documents with comments and tracked changes. In consultation with the Chair, the Secretariat will upload a clean version of this document on the WPRPW Community site.

On the *Summary Record*, we felt that the changes proposed by the EU are more extensive and we agreed with the Chair to give other Task Team members more time to review these comments. Should other Task Team members have any reactions they are invited to send them to the Secretariat and all TT members latest by 6 January 2020, after which the Secretariat will finalise the Summary record and share it with the Task Team and WPRPW.

I take the opportunity to wish you all very pleasant end of year holidays,

Shardul Agrawala

---

**From:** Gael.DE-ROTALIER@ec.europa.eu <Gael.DE-ROTALIER@ec.europa.eu>

**Sent:** 20 December, 2019 12:15 PM

**To:** ANDERSSON Stina [Sweden] <stina.andersson@regeringskansliet.se>; BOUTELIGIER Sofie [Belgium] <sofie.bouteligier@ovam.be>; ENCAUSSE Nicolas [France] <nicolas.encausse@developpement-durable.gouv.fr>; ERNST Michael [Germany] <michael.ernst@bmu.bund.de>; FRIJNS Peter J.M.G. [Netherlands] <peter.frijns@minienw.nl>; HEIDTMANN ANDERSEN Helle [Denmark] <hehei@mst.dk>; KUMMERLE Dominik, BIAC <KUMMERLE@biac.org>; LINDÉN Ylva [Sweden] <ylva.linden@naturvardsverket.se>; MCKELL Patrick [United Kingdom] <patrick.mckell@defra.gov.uk>; MEIJER Joost [Chile] <jmeijer@mma.gob.cl>; NAKAMURA Sho [Japan] <sho.nakamura@mofa.go.jp>; NORUS Amalie [Denmark] <amwno@mfvm.dk>; ÖZKAYA Simla [Turkey] <simlaoz@mfa.gov.tr>; PEURANEN Else [Finland] <else.peuranen@ym.fi>; PICARDI Rick [United States] <picardi.rick@epa.gov>; WEST William "Jay" [Business and Industry Advisory Committee (BIAC)] <jay\_west@americanchemistry.com>; YOHANNES Liabeth [United States] <yohannes.lia@epa.gov>; OLIVEIRA FERNANDES Maria [Portugal] <manuela.fernandes@mne.pt>; THYGESEN Marianne [Denmark] <malth@mst.dk>; Gael.DE-ROTALIER@ec.europa.eu; aadler@isri.org; stephane.arditi@eeb.org; dazoulay@ciel.org; rbartley@bir.org; Anne-Gaelle.COLLOT@plasticseurope.org; Harriet.Drake@defra.gov.uk; maxime.dube@canada.ca; melisa.lim@brsmeas.org; SEIKA SANNO@env.go.jp; sirine@no-burn.org; sakamoto@exri.co.jp; SmilanskyGM@state.gov; Lauren.C.Stowe@ustr.eop.gov; williams@state.gov; sophie.bernier@canada.ca

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**Subject:** FW: Revised documents: Summary Record and Task Team Report to WPRPW

**Importance:** High

Dear Shardul and colleagues

We thank the OECD Secretariat for these revised versions, which incorporate many of the suggested changes.



We are generally happy with these revised versions – but also consider that a limited number of clarifications or additions are still needed, before both documents can be shared with the WPRWP.

On behalf of the EU and its Member States, you will then find attached proposed changes and comments, which are based on a clean version of the documents which were sent yesterday. We remain at your disposal if you would like to discuss some of these proposed changes.

We wish all the best for the festive season!

Best regards

**Gaël de Rotalier**

<image002.jpg>

**European Commission**

Waste management and Secondary Materials

DG Environment

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Follow us on:

<image003.jpg>

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<image006.png>

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**From:** [Aziza.PERRIERE@oecd.org](mailto:Aziza.PERRIERE@oecd.org) <[Aziza.PERRIERE@oecd.org](mailto:Aziza.PERRIERE@oecd.org)>

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[Frithjof.LAUBINGER@oecd.org](mailto:Frithjof.LAUBINGER@oecd.org)

**Subject:** Revised documents: Summary Record and Task Team Report to WPRPW

**Importance:** High

**Message sent on behalf of Dr. Shardul AGRAWALA (Head of the Environment and Economy Integration Division) to members of the Ad-hoc Task Team on the Basel Convention**

**Subject: Revised documents: Summary Record and Task Team Report to WPRPW**

Dear Members of the Ad Hoc Task Team,

Thank you for your comments on the draft Summary Record and the Task Team Report to the WPRPW.

We have incorporated them to our best ability, in close consultation with the Chair of the Task Team. In the interests of transparency please find attached the revised versions of the two documents with the track changes.

A clean version of the two documents will be submitted to the WPRPW tomorrow, **Friday 20. December**, early afternoon (CET).

I wish you a very happy holiday season on behalf of the OECD Secretariat.

Kind Regards

<image007.jpg>

**Shardul  
Agrawala**  
Head of the  
Environment and  
Economy  
Integration  
Division  
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Directorate

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Message

**From:** Dube, Maxime (EC) [maxime.dube@canada.ca]  
**Sent:** 12/20/2019 9:15:09 PM  
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**Subject:** Comments from Canada: Revised documents: Task Team Report to WPRPW

Dear Shardul and colleagues,

We would like to request that highlighted text in Appendices 3 and 4 remains as it was at the end of the face-to-face meeting on 4 December 2019. It is a matter of transparency and respect of the procedure agreed-upon at the meeting by Task Team members.

We respectfully disagree on the concept that consensus was obtained on the text of the headings. For example, "Solid Plastic Wastes" in Appendix 3 was modified in some way or another in all 3 of the proposed options.

However, we do agree to add a reference to "Attached Document 2".

Season Greetings,

Maxime Dubé  
Canadian Member of the Task Team

---

**From:** [Shardul.AGRAWALA@oecd.org](mailto:Shardul.AGRAWALA@oecd.org) <[Shardul.AGRAWALA@oecd.org](mailto:Shardul.AGRAWALA@oecd.org)>

**Sent:** 20 December 2019 11:41

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**Subject:** RE: Revised documents: Summary Record and Task Team Report to WPRPW

Dear members of the Task Team,

As you will have seen, the EU sent some further comments on the Task Team report and on the Summary Record that was circulated yesterday.

We were subsequently able to talk to the EU delegate Gaël De Rotalier about them and resolve some outstanding issues.

On the *Task Team report* we agreed only to a few changes that essentially aim to make clarifications to the text. For transparency, please see the attached documents with comments and tracked changes. In consultation with the Chair, the Secretariat will upload a clean version of this document on the WPRPW Community site.

On the *Summary Record*, we felt that the changes proposed by the EU are more extensive and we agreed with the Chair to give other Task Team members more time to review these comments. Should other Task Team members have any reactions they are invited to send them to the Secretariat and all TT members latest by 6 January 2020, after which the Secretariat will finalise the Summary record and share it with the Task Team and WPRPW.

I take the opportunity to wish you all very pleasant end of year holidays,

Shardul Agrawala

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**Sent:** 20 December, 2019 12:15 PM

**To:** ANDERSSON Stina [Sweden] <[stina.andersson@regeringskansliet.se](mailto:stina.andersson@regeringskansliet.se)>; BOUTELIGIER Sofie [Belgium] <[sofie.bouteligier@ovam.be](mailto:sofie.bouteligier@ovam.be)>; ENCAUSSE Nicolas [France] <[nicolas.encausse@developpement-durable.gouv.fr](mailto:nicolas.encausse@developpement-durable.gouv.fr)>; ERNST Michael [Germany] <[michael.ernst@bmu.bund.de](mailto:michael.ernst@bmu.bund.de)>; FRIJNS Peter J.M.G. [Netherlands] <[peter.frijns@minienw.nl](mailto:peter.frijns@minienw.nl)>; HEIDTMANN ANDERSEN Helle [Denmark] <[hehei@mst.dk](mailto:hehei@mst.dk)>; KUMMERLE Dominik, BIAC <[KUMMERLE@biac.org](mailto:KUMMERLE@biac.org)>; LINDÉN Ylva [Sweden] <[ylva.linden@naturvardsverket.se](mailto:ylva.linden@naturvardsverket.se)>; MCKELL Patrick [United Kingdom] <[patrick.mckell@defra.gov.uk](mailto:patrick.mckell@defra.gov.uk)>; MEIJER Joost [Chile] <[jmeijer@mma.gob.cl](mailto:jmeijer@mma.gob.cl)>; NAKAMURA Sho [Japan] <[sho.nakamura@mofa.go.jp](mailto:sho.nakamura@mofa.go.jp)>; NORUS Amalie [Denmark] <[amwno@mfvm.dk](mailto:amwno@mfvm.dk)>; ÖZKAYA Simla [Turkey] <[simlaoz@mfa.gov.tr](mailto:simlaoz@mfa.gov.tr)>; PEURANEN Else [Finland] <[else.peuranen@ym.fi](mailto:else.peuranen@ym.fi)>; PICARDI Rick [United States] <[picardi.rick@epa.gov](mailto:picardi.rick@epa.gov)>; WEST William "Jay" [Business and Industry Advisory Committee (BIAC)] <[jay\\_west@americanchemistry.com](mailto:jay_west@americanchemistry.com)>; YOHANNES Liabeth [United States] <[yohannes.lia@epa.gov](mailto:yohannes.lia@epa.gov)>; OLIVEIRA FERNANDES Maria [Portugal] <[manuela.fernandes@mne.pt](mailto:manuela.fernandes@mne.pt)>; THYGESEN Marianne [Denmark] <[malth@mst.dk](mailto:malth@mst.dk)>; [Gael.DE-ROTALIER@ec.europa.eu](mailto:Gael.DE-ROTALIER@ec.europa.eu); [aadler@isri.org](mailto:aadler@isri.org); [stephane.arditi@eeb.org](mailto:stephane.arditi@eeb.org); [dazoulay@ciel.org](mailto:dazoulay@ciel.org); [rbartley@bir.org](mailto:rbartley@bir.org); [Anne-Gaelle.COLLOT@plasticseurope.org](mailto:Anne-Gaelle.COLLOT@plasticseurope.org); [Harriet.Drake@defra.gov.uk](mailto:Harriet.Drake@defra.gov.uk); [maxime.dube@canada.ca](mailto:maxime.dube@canada.ca); [melisa.lim@brsmeas.org](mailto:melisa.lim@brsmeas.org); [SEIKA\\_SANNO@env.go.jp](mailto:SEIKA_SANNO@env.go.jp); [sirine@no-burn.org](mailto:sirine@no-burn.org); [sakamoto@exri.co.jp](mailto:sakamoto@exri.co.jp); [SmilanskyGM@state.gov](mailto:SmilanskyGM@state.gov); [Lauren.C.Stowe@ustr.eop.gov](mailto:Lauren.C.Stowe@ustr.eop.gov); [williams@state.gov](mailto:williams@state.gov); [sophie.bernier@canada.ca](mailto:sophie.bernier@canada.ca)

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**Subject:** FW: Revised documents: Summary Record and Task Team Report to WPRPW

**Importance:** High

Dear Shardul and colleagues

We thank the OECD Secretariat for these revised versions, which incorporate many of the suggested changes.

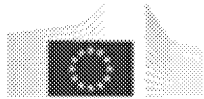
We are generally happy with these revised versions – but also consider that a limited number of clarifications or additions are still needed, before both documents can be shared with the WPRWP.

On behalf of the EU and its Member States, you will then find attached proposed changes and comments, which are based on a clean version of the documents which were sent yesterday. We remain at your disposal if you would like to discuss some of these proposed changes.

We wish all the best for the festive season!

Best regards

**Gaël de Rotalier**



**European Commission**

Waste management and Secondary Materials

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[simlaoz@mfa.gov.tr](mailto:simlaoz@mfa.gov.tr); [else.peuranen@ym.fi](mailto:else.peuranen@ym.fi); [picardi.rick@epa.gov](mailto:picardi.rick@epa.gov); [jay\\_west@americanchemistry.com](mailto:jay_west@americanchemistry.com);  
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**Subject:** Revised documents: Summary Record and Task Team Report to WPRPW

**Importance:** High

**Message sent on behalf of Dr. Shardul AGRAWALA (Head of the Environment and Economy Integration Division) to members of the Ad-hoc Task Team on the Basel Convention**

**Subject: Revised documents: Summary Record and Task Team Report to WPRPW**

Dear Members of the Ad Hoc Task Team,

Thank you for your comments on the draft Summary Record and the Task Team Report to the WPRPW.

We have incorporated them to our best ability, in close consultation with the Chair of the Task Team. In the interests of transparency please find attached the revised versions of the two documents with the track changes.

A clean version of the two documents will be submitted to the WPRPW tomorrow, **Friday 20. December**, early afternoon (CET).

I wish you a very happy holiday season on behalf of the OECD Secretariat.

Kind Regards



**Shardul  
Agrawala**  
Head of the  
Environment and  
Economy  
Integration  
Division  
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Message

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**Sent:** 12/4/2019 1:20:27 PM  
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**CC:** Frithjof.LAUBINGER@oecd.org  
**Subject:** Update joint proposal for App 3 and 4 on non-hazardous plastics  
**Attachments:** Joint proposal GH012 and AC310, 12.4.19 post-lunch.docx  
  
**Flag:** Follow up

Dear all, please find attached, with thanks to the US and Japan, an updated joint proposal for Appendices 3 and 4 on non-hazardous plastics.

---

**From:** LIMBASAN Natalie, SGE/LEG

**Sent:** 04 December 2019 10:56

**To:** 'Gael.DE-ROTALIER@ec.europa.eu' <Gael.DE-ROTALIER@ec.europa.eu>; 'aadler@isri.org' <aadler@isri.org>; ANDERSSON Stina [Sweden] <stina.andersson@regeringskansliet.se>; 'stephane.arditi@eeb.org' <stephane.arditi@eeb.org>; 'dazoulay@ciel.org' <dazoulay@ciel.org>; 'rbartley@bir.org' <rbartley@bir.org>; BOUTELIGIER Sofie [Belgium] <sofie.bouteligier@ovam.be>; 'anne-gaelle.collot@plasticseurope.org' <anne-gaelle.collot@plasticseurope.org>; 'Harriet.Drake@defra.gov.uk' <Harriet.Drake@defra.gov.uk>; 'maxime.dube@canada.ca' <maxime.dube@canada.ca>; ENCAUSSE Nicolas [France] <nicolas.encausse@developpement-durable.gouv.fr>; ERNST Michael [Germany] <michael.ernst@bmu.bund.de>; FRIJNS Peter J.M.G. [Netherlands] <peter.frijns@minienw.nl>; HEIDTMANN ANDERSEN Helle [Denmark] <hehei@mst.dk>; KUMMERLE Dominik, BIAC <KUMMERLE@biac.org>; 'melisa.lim@brsmeas.org' <melisa.lim@brsmeas.org>; LINDÉN Ylva [Sweden] <ylva.linden@naturvardsverket.se>; MCKELL Patrick [United Kingdom] <patrick.mckell@defra.gov.uk>; MEIJER Joost [Chile] <jmeijer@mma.gob.cl>; 'SEIKA\_SANNO@env.go.jp' <SEIKA\_SANNO@env.go.jp>; NAKAMURA Sho [Japan] <sho.nakamura@mofa.go.jp>; NORUS Amalie [Denmark] <amwno@mfvm.dk>; ÖZKAYA Simla [Turkey] <simlaoz@mfa.gov.tr>; PEURANEN Else [Finland] <else.peuranen@ym.fi>; PICARDI Rick [United States] <picardi.rick@epa.gov>; 'sirine@no-burn.org' <sirine@no-burn.org>; 'sakamoto@exri.co.jp' <sakamoto@exri.co.jp>; 'SmilanskyGM@state.gov' <SmilanskyGM@state.gov>; 'lauren.c.stowe@ustr.eop.gov' <lauren.c.stowe@ustr.eop.gov>; WEST William (Jay) [Business and Industry Advisory Committee (BIAC)] <jay\_west@americanchemistry.com>; 'williams@state.gov' <williams@state.gov>; YOHANNES Liabeth [United States] <yohannes.lia@epa.gov>; 'sophie.bernier@canada.ca' <sophie.bernier@canada.ca>; OLIVEIRA FERNANDES Maria [Portugal] <manuela.fernandes@mne.pt>; AGRAWALA Shardul, ENV/EEI <Shardul.AGRAWALA@oecd.org>; BORKEY Peter, ENV/EEI <Peter.BORKEY@oecd.org>; KOTHARI Gita, SGE/LEG <Gita.KOTHARI@oecd.org>; GARRETT Justine, ENV/EPI <Justine.GARRETT@oecd.org>; 'malth@mst.dk' <malth@mst.dk>

**Cc:** LAUBINGER Frithjof, ENV/EEI <Frithjof.LAUBINGER@oecd.org>

**Subject:** Proposals for App 3 and 4 on non-hazardous plastics - as currently under discussion/wip

Dear all, please find attached the work-in-progress document.

---

**From:** LIMBASAN Natalie, SGE/LEG

**Sent:** 03 December 2019 18:02

**To:** 'Gael.DE-ROTALIER@ec.europa.eu' <Gael.DE-ROTALIER@ec.europa.eu>; 'aadler@isri.org' <aadler@isri.org>; ANDERSSON Stina [Sweden] <stina.andersson@regeringskansliet.se>; 'stephane.arditi@eeb.org' <stephane.arditi@eeb.org>; 'dazoulay@ciel.org' <dazoulay@ciel.org>; 'rbartley@bir.org' <rbartley@bir.org>; BOUTELIGIER Sofie [Belgium] <sofie.bouteligier@ovam.be>; 'anne-gaelle.collot@plasticseurope.org' <anne-gaelle.collot@plasticseurope.org>; 'Harriet.Drake@defra.gov.uk' <Harriet.Drake@defra.gov.uk>; 'maxime.dube@canada.ca' <maxime.dube@canada.ca>; ENCAUSSE Nicolas [France] <nicolas.encausse@developpement-durable.gouv.fr>; ERNST Michael [Germany] <michael.ernst@bmu.bund.de>; FRIJNS Peter J.M.G. [Netherlands] <peter.frijns@minienw.nl>; HEIDTMANN ANDERSEN Helle [Denmark] <hehei@mst.dk>; KUMMERLE Dominik, BIAC <KUMMERLE@biac.org>; 'melisa.lim@brsmeas.org' <melisa.lim@brsmeas.org>; LINDÉN Ylva [Sweden] <ylva.linden@naturvardsverket.se>; MCKELL Patrick [United Kingdom] <patrick.mckell@defra.gov.uk>; MEIJER Joost [Chile] <jmeijer@mma.gob.cl>; 'SEIKA\_SANNO@env.go.jp' <SEIKA\_SANNO@env.go.jp>; NAKAMURA Sho [Japan] <sho.nakamura@mofa.go.jp>; NORUS Amalie [Denmark] <amwno@mfvm.dk>; ÖZKAYA Simla [Turkey] <simlaoz@mfa.gov.tr>; PEURANEN Else [Finland] <else.peuranen@ym.fi>; PICARDI Rick [United States] <picardi.rick@epa.gov>; 'sirine@no-burn.org' <sirine@no-burn.org>; 'sakamoto@exri.co.jp' <sakamoto@exri.co.jp>; 'SmilanskyGM@state.gov' <SmilanskyGM@state.gov>; 'lauren.c.stowe@ustr.eop.gov' <lauren.c.stowe@ustr.eop.gov>; WEST William (Jay) [Business and Industry Advisory Committee (BIAC)] <jay\_west@americanchemistry.com>; 'williams@state.gov' <williams@state.gov>; YOHANNES Liabeth [United States] <yohannes.lia@epa.gov>; 'sophie.bernier@canada.ca' <sophie.bernier@canada.ca>; OLIVEIRA FERNANDES Maria [Portugal] <manuela.fernandes@mne.pt>; AGRAWALA Shardul, ENV/EEI <Shardul.AGRAWALA@oecd.org>; BORKEY Peter, ENV/EEI <Peter.BORKEY@oecd.org>; KOTHARI Gita, SGE/LEG <Gita.KOTHARI@oecd.org>; GARRETT Justine, ENV/EPI <Justine.GARRETT@oecd.org>; 'malth@mst.dk' <malth@mst.dk>  
**Cc:** LAUBINGER Frithjof, ENV/EEI <Frithjof.LAUBINGER@oecd.org>  
**Subject:** RE: proposal for suggestions from the EU and its Member States on App 3 and App4

Dear all, please find attached the current version of the unattributed text table following today's discussions, as well as the document entitled "Partial Proposal of Ad Hoc Task Team on Basel Amendments Re Hazardous Plastic Wastes Only".

Best regards,

Secretariat

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**From:** LIMBASAN Natalie, SGE/LEG

**Sent:** 02 December 2019 18:51

**To:** LAUBINGER Frithjof, ENV/EEI <Frithjof.LAUBINGER@oecd.org>; Gael.DE-ROTALIER@ec.europa.eu; aadler@isri.org; ANDERSSON Stina [Sweden] <stina.andersson@regeringskansliet.se>; stephane.arditi@eeb.org; dazoulay@ciel.org; rbartley@bir.org; BOUTELIGIER Sofie [Belgium] <sofie.bouteligier@ovam.be>; anne-gaelle.collot@plasticseurope.org; Harriet.Drake@defra.gov.uk; maxime.dube@canada.ca; ENCAUSSE Nicolas [France] <nicolas.encausse@developpement-durable.gouv.fr>; ERNST Michael [Germany] <michael.ernst@bmu.bund.de>; FRIJNS Peter J.M.G. [Netherlands] <peter.frijns@minienw.nl>; HEIDTMANN ANDERSEN Helle [Denmark] <hehei@mst.dk>; KUMMERLE Dominik, BIAC <KUMMERLE@biac.org>; melisa.lim@brsmeas.org; LINDÉN Ylva [Sweden] <ylva.linden@naturvardsverket.se>; MCKELL Patrick [United Kingdom] <patrick.mckell@defra.gov.uk>; MEIJER Joost [Chile] <jmeijer@mma.gob.cl>; SEIKA\_SANNO@env.go.jp; NAKAMURA Sho [Japan] <sho.nakamura@mofa.go.jp>; NORUS Amalie [Denmark] <amwno@mfvm.dk>; ÖZKAYA Simla [Turkey] <simlaoz@mfa.gov.tr>; PEURANEN Else [Finland] <else.peuranen@ym.fi>; PICARDI Rick [United States] <picardi.rick@epa.gov>; sirine@no-burn.org; sakamoto@exri.co.jp; SmilanskyGM@state.gov; lauren.c.stowe@ustr.eop.gov; WEST William (Jay) [Business and Industry Advisory Committee (BIAC)] <jay\_west@americanchemistry.com>; williams@state.gov; YOHANNES Liabeth [United States] <yohannes.lia@epa.gov>; sophie.bernier@canada.ca; OLIVEIRA FERNANDES Maria [Portugal] <manuela.fernandes@mne.pt>; AGRAWALA Shardul, ENV/EEI <Shardul.AGRAWALA@oecd.org>; BORKEY Peter, ENV/EEI <Peter.BORKEY@oecd.org>; KOTHARI Gita, SGE/LEG <Gita.KOTHARI@oecd.org>; GARRETT Justine, ENV/EPI <Justine.GARRETT@oecd.org>; 'malth@mst.dk' <malth@mst.dk>

**Subject:** RE: proposal for suggestions from the EU and its Member States on App 3 and App4

Dear all,



As proposed by the Task Team earlier, please find attached a table showing, in the left-hand column, the current text of Appendices 3 and 4 of the OECD Decision, and in the left-hand column unattributed text proposals (distinguished by font colour).

Kind regards,

Natalie

---

**From:** LAUBINGER Frithjof, ENV/EEI <Frithjof.LAUBINGER@oecd.org>

**Sent:** 02 December 2019 17:28

**To:** Gael.DE-ROTALIER@ec.europa.eu; aadler@isri.org; ANDERSSON Stina [Sweden]

<stina.andersson@regeringskansliet.se>; stephane.arditi@eeb.org; dazoulay@ciel.org; rbartley@bir.org; BOUTELIGIER Sofie [Belgium] <sofie.bouteligier@ovam.be>; anne-gaelle.collot@plasticseurope.org; Harriet.Drake@defra.gov.uk; maxime.dube@canada.ca; ENCAUSSE Nicolas [France] <nicolas.encausse@developpement-durable.gouv.fr>; ERNST Michael [Germany] <michael.ernst@bmu.bund.de>; FRIJNS Peter J.M.G. [Netherlands] <peter.frijns@minienw.nl>; HEIDTMANN ANDERSEN Helle [Denmark] <hehei@mst.dk>; KUMMERLE Dominik, BIAC <KUMMERLE@biac.org>; melisa.lim@brsmeas.org; LINDÉN Ylva [Sweden] <ylva.linden@naturvardsverket.se>; MCKELL Patrick [United Kingdom] <patrick.mckell@defra.gov.uk>; MEIJER Joost [Chile] <jmeijer@mma.gob.cl>; SEIKA SANNO@env.go.jp; NAKAMURA Sho [Japan] <sho.nakamura@mofa.go.jp>; NORUS Amalie [Denmark] <amwno@mfvm.dk>; ÖZKAYA Simla [Turkey] <simlaoz@mfa.gov.tr>; PEURANEN Else [Finland] <else.peuranen@ym.fi>; PICARDI Rick [United States] <picardi.rick@epa.gov>; sirine@no-burn.org; sakamoto@exri.co.jp; SmilanskyGM@state.gov; lauren.c.stowe@ustr.eop.gov; WEST William (Jay) [Business and Industry Advisory Committee (BIAC)] <jay\_west@americanchemistry.com>; williams@state.gov; YOHANNES Liabeth [United States] <yohannes.lia@epa.gov>; sophie.bernier@canada.ca; OLIVEIRA FERNANDES Maria [Portugal] <manuela.fernandes@mne.pt>; AGRAWALA Shardul, ENV/EEI <Shardul.AGRAWALA@oecd.org>; BORKEY Peter, ENV/EEI <Peter.BORKEY@oecd.org>; KOTHARI Gita, SGE/LEG <Gita.KOTHARI@oecd.org>; GARRETT Justine, ENV/EPI <Justine.GARRETT@oecd.org>; LIMBASAN Natalie, SGE/LEG <Natalie.LIMBASAN@oecd.org>

**Subject:** RE: proposal for suggestions from the EU and its Member States on App 3 and App4

Dear all,

Please find attached two documents, as announced by the Chair:

- A word document with the original wording of Appendices 3 and 4 of the OECD Decision (OECD-LEGAL-0266)
  - o This text can also be found here: [https://legalinstruments.oecd.org/en/instruments/OECD-LEGAL-0266#\\_ednref8](https://legalinstruments.oecd.org/en/instruments/OECD-LEGAL-0266#_ednref8)
- A word document with the final amendments of the Basel amendments
  - o This file can be accessed here: <http://www.basel.int/TheConvention/ConferenceoftheParties/ReportsandDecisions/tabid/3303/Default.aspx>

Regards,

Frithjof

---

**From:** Gael.DE-ROTALIER@ec.europa.eu <Gael.DE-ROTALIER@ec.europa.eu>

**Sent:** 02 December, 2019 4:11 PM

**To:** LAUBINGER Frithjof, ENV/EEI <Frithjof.LAUBINGER@oecd.org>; aadler@isri.org; ANDERSSON Stina [Sweden] <stina.andersson@regeringskansliet.se>; stephane.arditi@eeb.org; dazoulay@ciel.org; rbartley@bir.org; BOUTELIGIER Sofie [Belgium] <sofie.bouteligier@ovam.be>; anne-gaelle.collot@plasticseurope.org; Harriet.Drake@defra.gov.uk; maxime.dube@canada.ca; ENCAUSSE Nicolas [France] <nicolas.encausse@developpement-durable.gouv.fr>; ERNST Michael [Germany] <michael.ernst@bmu.bund.de>; FRIJNS Peter J.M.G. [Netherlands] <peter.frijns@minienw.nl>; HEIDTMANN ANDERSEN Helle [Denmark] <hehei@mst.dk>; KUMMERLE Dominik, BIAC <KUMMERLE@biac.org>;

[melisa.lim@brsmeas.org](mailto:melisa.lim@brsmeas.org); LINDÉN Ylva [Sweden] <[ylva.linden@naturvardsverket.se](mailto:ylva.linden@naturvardsverket.se)>; MCKELL Patrick [United Kingdom] <[patrick.mckell@defra.gov.uk](mailto:patrick.mckell@defra.gov.uk)>; MEIJER Joost [Chile] <[jmeijer@mma.gob.cl](mailto:jmeijer@mma.gob.cl)>; SEIKA SANNO@env.go.jp; NAKAMURA Sho [Japan] <[sho.nakamura@mofa.go.jp](mailto:sho.nakamura@mofa.go.jp)>; NORUS Amalie [Denmark] <[amwno@mfvm.dk](mailto:amwno@mfvm.dk)>; ÖZKAYA Simla [Turkey] <[simlaoz@mfa.gov.tr](mailto:simlaoz@mfa.gov.tr)>; PEURANEN Else [Finland] <[else.peuranen@ym.fi](mailto:else.peuranen@ym.fi)>; PICARDI Rick [United States] <[picardi.rick@epa.gov](mailto:picardi.rick@epa.gov)>; [sirine@no-burn.org](mailto:sirine@no-burn.org); [sakamoto@exri.co.jp](mailto:sakamoto@exri.co.jp); [SmilanskyGM@state.gov](mailto:SmilanskyGM@state.gov); [lauren.c.stowe@ustr.eop.gov](mailto:lauren.c.stowe@ustr.eop.gov); WEST William (Jay) [Business and Industry Advisory Committee (BIAC)] <[jay\\_west@americanchemistry.com](mailto:jay_west@americanchemistry.com)>; [williams@state.gov](mailto:williams@state.gov); YOHANNES Liabeth [United States] <[yohannes.lia@epa.gov](mailto:yohannes.lia@epa.gov)>; [sophie.bernier@canada.ca](mailto:sophie.bernier@canada.ca); OLIVEIRA FERNANDES Maria [Portugal] <[manuela.fernandes@mne.pt](mailto:manuela.fernandes@mne.pt)>; AGRAWALA Shardul, ENV/EEI <[Shardul.AGRAWALA@oecd.org](mailto:Shardul.AGRAWALA@oecd.org)>; BORKEY Peter, ENV/EEI <[Peter.BORKEY@oecd.org](mailto:Peter.BORKEY@oecd.org)>; KOTHARI Gita, SGE/LEG <[Gita.KOTHARI@oecd.org](mailto:Gita.KOTHARI@oecd.org)>; GARRETT Justine, ENV/EPI <[Justine.GARRETT@oecd.org](mailto:Justine.GARRETT@oecd.org)>; LIMBASAN Natalie, SGE/LEG <[Natalie.LIMBASAN@oecd.org](mailto:Natalie.LIMBASAN@oecd.org)>  
**Subject:** proposal for suggestions from the EU and its Member States on App 3 and App4

Dear all, please find attached suggestions from the EU and its Member States for entries in App 3 and App. of the OECD Decision, as just discussed

Gaël de Rotalier  
European Commission

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**From:** Frithjof.LAUBINGER@oecd.org <[Frithjof.LAUBINGER@oecd.org](mailto:Frithjof.LAUBINGER@oecd.org)>  
**Sent:** 02 December 2019 15:36  
**To:** [aadler@isri.org](mailto:aadler@isri.org); [stina.andersson@regeringskansliet.se](mailto:stina.andersson@regeringskansliet.se); [stephane.arditi@eeb.org](mailto:stephane.arditi@eeb.org); [dazoulay@ciel.org](mailto:dazoulay@ciel.org); [rbartley@bir.org](mailto:rbartley@bir.org); [sofie.bouteligier@ovam.be](mailto:sofie.bouteligier@ovam.be); [anne-gaelle.collet@plasticseurope.org](mailto:anne-gaelle.collet@plasticseurope.org); DE ROTALIER Gael (ENV); [Harriet.Drake@defra.gov.uk](mailto:Harriet.Drake@defra.gov.uk); [maxime.dube@canada.ca](mailto:maxime.dube@canada.ca); [nicolas.encausse@developpement-durable.gouv.fr](mailto:nicolas.encausse@developpement-durable.gouv.fr); [michael.ernst@bmu.bund.de](mailto:michael.ernst@bmu.bund.de); [peter.frijns@minienw.nl](mailto:peter.frijns@minienw.nl); [hehei@mst.dk](mailto:hehei@mst.dk); [KUMMERLE@biac.org](mailto:KUMMERLE@biac.org); [melisa.lim@brsmeas.org](mailto:melisa.lim@brsmeas.org); [ylva.linden@naturvardsverket.se](mailto:ylva.linden@naturvardsverket.se); [patrick.mckell@defra.gov.uk](mailto:patrick.mckell@defra.gov.uk); [jmeijer@mma.gob.cl](mailto:jmeijer@mma.gob.cl); [SEIKA SANNO@env.go.jp](mailto:SEIKA_SANNO@env.go.jp); [sho.nakamura@mofa.go.jp](mailto:sho.nakamura@mofa.go.jp); [amwno@mfvm.dk](mailto:amwno@mfvm.dk); [simlaoz@mfa.gov.tr](mailto:simlaoz@mfa.gov.tr); [else.peuranen@ym.fi](mailto:else.peuranen@ym.fi); [picardi.rick@epa.gov](mailto:picardi.rick@epa.gov); [sirine@no-burn.org](mailto:sirine@no-burn.org); [sakamoto@exri.co.jp](mailto:sakamoto@exri.co.jp); [SmilanskyGM@state.gov](mailto:SmilanskyGM@state.gov); [lauren.c.stowe@ustr.eop.gov](mailto:lauren.c.stowe@ustr.eop.gov); [jay\\_west@americanchemistry.com](mailto:jay_west@americanchemistry.com); [williams@state.gov](mailto:williams@state.gov); [yohannes.lia@epa.gov](mailto:yohannes.lia@epa.gov); [sophie.bernier@canada.ca](mailto:sophie.bernier@canada.ca); [manuela.fernandes@mne.pt](mailto:manuela.fernandes@mne.pt); [Shardul.AGRAWALA@oecd.org](mailto:Shardul.AGRAWALA@oecd.org); [Peter.BORKEY@oecd.org](mailto:Peter.BORKEY@oecd.org); [Gita.KOTHARI@oecd.org](mailto:Gita.KOTHARI@oecd.org); [Justine.GARRETT@oecd.org](mailto:Justine.GARRETT@oecd.org); [Frithjof.LAUBINGER@oecd.org](mailto:Frithjof.LAUBINGER@oecd.org); [Natalie.LIMBASAN@oecd.org](mailto:Natalie.LIMBASAN@oecd.org)  
**Subject:** FW: US proposal

---

**From:** Yohannes, Lia <[Yohannes.Lia@epa.gov](mailto:Yohannes.Lia@epa.gov)>  
**Sent:** 02 December, 2019 3:10 PM  
**To:** LAUBINGER Frithjof, ENV/EEI <[Frithjof.LAUBINGER@oecd.org](mailto:Frithjof.LAUBINGER@oecd.org)>; LIMBASAN Natalie, SGE/LEG <[Natalie.LIMBASAN@oecd.org](mailto:Natalie.LIMBASAN@oecd.org)>  
**Cc:** PICARDI Rick [United States] <[picardi.rick@epa.gov](mailto:picardi.rick@epa.gov)>; Smilansky, Gene <[SmilanskyGM@state.gov](mailto:SmilanskyGM@state.gov)>; Larke Williams ([williams@state.gov](mailto:williams@state.gov)) <[williams@state.gov](mailto:williams@state.gov)>; Stowe, Lauren C. EOP/USTR <[Lauren.C.Stowe@ustr.eop.gov](mailto:Lauren.C.Stowe@ustr.eop.gov)>  
**Subject:** US proposal

Please see US proposal attached.

Thanks,  
Lia Yohannes

Message

**From:** Natalie.LIMBASAN@oecd.org [Natalie.LIMBASAN@oecd.org]  
**Sent:** 12/4/2019 9:56:01 AM  
**To:** Gael.DE-ROTALIER@ec.europa.eu; aadler@isri.org; stina.andersson@regeringskansliet.se; stephane.arditi@eeb.org; dazoulay@ciel.org; rbartley@bir.org; sofie.bouteligier@ovam.be; anne-gaelle.collot@plasticseurope.org; Harriet.Drake@defra.gov.uk; maxime.dube@canada.ca; nicolas.encausse@developpement-durable.gouv.fr; michael.ernst@bmu.bund.de; peter.frijns@minienw.nl; hehei@mst.dk; KUMMERLE@biac.org; melisa.lim@brsmeas.org; ylva.linden@naturvardsverket.se; patrick.mckell@defra.gov.uk; jmeijer@mma.gob.cl; SEIKA\_SANNO@env.go.jp; sho.nakamura@mofa.go.jp; amwno@mfvm.dk; simlaoz@mfa.gov.tr; else.peuranen@ym.fi; Picardi, Rick [Picardi.Rick@epa.gov]; sirine@no-burn.org; sakamoto@exri.co.jp; SmilanskyGM@state.gov; lauren.c.stowe@ustr.eop.gov; jay\_west@americanchemistry.com; williams@state.gov; Yohannes, Lia [Yohannes.Lia@epa.gov]; sophie.bernier@canada.ca; manuela.fernandes@mne.pt; Shardul.AGRAWALA@oecd.org; Peter.BORKEY@oecd.org; Gita.KOTHARI@oecd.org; Justine.GARRETT@oecd.org; malth@mst.dk  
**CC:** Frithjof.LAUBINGER@oecd.org  
**Subject:** Proposals for App 3 and 4 on non-hazardous plastics - as currently under discussion/wip  
**Attachments:** Joint proposal GH012 and AC310, 12.4.19 post-discv2.docx

Dear all, please find attached the work-in-progress document.

---

**From:** LIMBASAN Natalie, SGE/LEG  
**Sent:** 03 December 2019 18:02  
**To:** 'Gael.DE-ROTALIER@ec.europa.eu' <Gael.DE-ROTALIER@ec.europa.eu>; 'aadler@isri.org' <aadler@isri.org>; ANDERSSON Stina [Sweden] <stina.andersson@regeringskansliet.se>; 'stephane.arditi@eeb.org' <stephane.arditi@eeb.org>; 'dazoulay@ciel.org' <dazoulay@ciel.org>; 'rbartley@bir.org' <rbartley@bir.org>; BOUTELIGIER Sofie [Belgium] <sofie.bouteligier@ovam.be>; 'anne-gaelle.collot@plasticseurope.org' <anne-gaelle.collot@plasticseurope.org>; 'Harriet.Drake@defra.gov.uk' <Harriet.Drake@defra.gov.uk>; 'maxime.dube@canada.ca' <maxime.dube@canada.ca>; ENCAUSSE Nicolas [France] <nicolas.encausse@developpement-durable.gouv.fr>; ERNST Michael [Germany] <michael.ernst@bmu.bund.de>; FRIJNS Peter J.M.G. [Netherlands] <peter.frijns@minienw.nl>; HEIDTMANN ANDERSEN Helle [Denmark] <hehei@mst.dk>; KUMMERLE Dominik, BIAC <KUMMERLE@biac.org>; 'melisa.lim@brsmeas.org' <melisa.lim@brsmeas.org>; LINDÉN Ylva [Sweden] <ylva.linden@naturvardsverket.se>; MCKELL Patrick [United Kingdom] <patrick.mckell@defra.gov.uk>; MEIJER Joost [Chile] <jmeijer@mma.gob.cl>; 'SEIKA\_SANNO@env.go.jp' <SEIKA\_SANNO@env.go.jp>; NAKAMURA Sho [Japan] <sho.nakamura@mofa.go.jp>; NORUS Amalie [Denmark] <amwno@mfvm.dk>; ÖZKAYA Simla [Turkey] <simlaoz@mfa.gov.tr>; PEURANEN Else [Finland] <else.peuranen@ym.fi>; PICARDI Rick [United States] <picardi.rick@epa.gov>; 'sirine@no-burn.org' <sirine@no-burn.org>; 'sakamoto@exri.co.jp' <sakamoto@exri.co.jp>; 'SmilanskyGM@state.gov' <SmilanskyGM@state.gov>; 'lauren.c.stowe@ustr.eop.gov' <lauren.c.stowe@ustr.eop.gov>; WEST William (Jay) [Business and Industry Advisory Committee (BIAC)] <jay\_west@americanchemistry.com>; 'williams@state.gov' <williams@state.gov>; YOHANNES Liabeth [United States] <yohannes.lia@epa.gov>; 'sophie.bernier@canada.ca' <sophie.bernier@canada.ca>; OLIVEIRA FERNANDES Maria [Portugal] <manuela.fernandes@mne.pt>; AGRAWALA Shardul, ENV/EEI <Shardul.AGRAWALA@oecd.org>; BORKEY Peter, ENV/EEI <Peter.BORKEY@oecd.org>; KOTHARI Gita, SGE/LEG <Gita.KOTHARI@oecd.org>; GARRETT Justine, ENV/EPI <Justine.GARRETT@oecd.org>; 'malth@mst.dk' <malth@mst.dk>  
**Cc:** LAUBINGER Frithjof, ENV/EEI <Frithjof.LAUBINGER@oecd.org>  
**Subject:** RE: proposal for suggestions from the EU and its Member States on App 3 and App4

Dear all, please find attached the current version of the unattributed text table following today's discussions, as well as the document entitled "Partial Proposal of Ad Hoc Task Team on Basel Amendments Re Hazardous Plastic Wastes Only".

Best regards,

Secretariat

---

**From:** LIMBASAN Natalie, SGE/LEG

**Sent:** 02 December 2019 18:51

**To:** LAUBINGER Frithjof, ENV/EEI <Frithjof.LAUBINGER@oecd.org>; Gael.DE-ROTALIER@ec.europa.eu; aadler@isri.org; ANDERSSON Stina [Sweden] <stina.andersson@regeringskansliet.se>; stephane.arditi@eeb.org; dazoulay@ciel.org; rbartley@bir.org; BOUTELIGIER Sofie [Belgium] <sofie.bouteligier@ovam.be>; anne-gaelle.collot@plasticseurope.org; Harriet.Drake@defra.gov.uk; maxime.dube@canada.ca; ENCAUSSE Nicolas [France] <nicolas.encausse@developpement-durable.gouv.fr>; ERNST Michael [Germany] <michael.ernst@bmu.bund.de>; FRIJNS Peter J.M.G. [Netherlands] <peter.frijns@minienw.nl>; HEIDTMANN ANDERSEN Helle [Denmark] <hehei@mst.dk>; KUMMERLE Dominik, BIAC <KUMMERLE@biac.org>; melisa.lim@brsmeas.org; LINDÉN Ylva [Sweden] <ylva.linden@naturvardsverket.se>; MCKELL Patrick [United Kingdom] <patrick.mckell@defra.gov.uk>; MEIJER Joost [Chile] <jmeijer@mma.gob.cl>; SEIKA\_SANNO@env.go.jp; NAKAMURA Sho [Japan] <sho.nakamura@mofa.go.jp>; NORUS Amalie [Denmark] <amwno@mfvm.dk>; ÖZKAYA Simla [Turkey] <simlaoz@mfa.gov.tr>; PEURANEN Else [Finland] <else.peuranen@ym.fi>; PICARDI Rick [United States] <picardi.rick@epa.gov>; sirine@no-burn.org; sakamoto@exri.co.jp; SmilanskyGM@state.gov; lauren.c.stowe@ustr.eop.gov; WEST William (Jay) [Business and Industry Advisory Committee (BIAC)] <jay\_west@americanchemistry.com>; williams@state.gov; YOHANNES Liabeth [United States] <yohannes.lia@epa.gov>; sophie.bernier@canada.ca; OLIVEIRA FERNANDES Maria [Portugal] <manuela.fernandes@mne.pt>; AGRAWALA Shardul, ENV/EEI <Shardul.AGRAWALA@oecd.org>; BORKEY Peter, ENV/EEI <Peter.BORKEY@oecd.org>; KOTHARI Gita, SGE/LEG <Gita.KOTHARI@oecd.org>; GARRETT Justine, ENV/EPI <Justine.GARRETT@oecd.org>; 'malth@mst.dk' <malth@mst.dk>

**Subject:** RE: proposal for suggestions from the EU and its Member States on App 3 and App4

Dear all,

As proposed by the Task Team earlier, please find attached a table showing, in the left-hand column, the current text of Appendices 3 and 4 of the OECD Decision, and in the left-hand column unattributed text proposals (distinguished by font colour).

Kind regards,

Natalie

---

**From:** LAUBINGER Frithjof, ENV/EEI <Frithjof.LAUBINGER@oecd.org>

**Sent:** 02 December 2019 17:28

**To:** Gael.DE-ROTALIER@ec.europa.eu; aadler@isri.org; ANDERSSON Stina [Sweden] <stina.andersson@regeringskansliet.se>; stephane.arditi@eeb.org; dazoulay@ciel.org; rbartley@bir.org; BOUTELIGIER Sofie [Belgium] <sofie.bouteligier@ovam.be>; anne-gaelle.collot@plasticseurope.org; Harriet.Drake@defra.gov.uk; maxime.dube@canada.ca; ENCAUSSE Nicolas [France] <nicolas.encausse@developpement-durable.gouv.fr>; ERNST Michael [Germany] <michael.ernst@bmu.bund.de>; FRIJNS Peter J.M.G. [Netherlands] <peter.frijns@minienw.nl>; HEIDTMANN ANDERSEN Helle [Denmark] <hehei@mst.dk>; KUMMERLE Dominik, BIAC <KUMMERLE@biac.org>; melisa.lim@brsmeas.org; LINDÉN Ylva [Sweden] <ylva.linden@naturvardsverket.se>; MCKELL Patrick [United Kingdom] <patrick.mckell@defra.gov.uk>; MEIJER Joost [Chile] <jmeijer@mma.gob.cl>; SEIKA\_SANNO@env.go.jp; NAKAMURA Sho [Japan] <sho.nakamura@mofa.go.jp>; NORUS Amalie [Denmark] <amwno@mfvm.dk>; ÖZKAYA Simla [Turkey] <simlaoz@mfa.gov.tr>; PEURANEN Else [Finland] <else.peuranen@ym.fi>; PICARDI Rick [United States] <picardi.rick@epa.gov>; sirine@no-burn.org; sakamoto@exri.co.jp; SmilanskyGM@state.gov; lauren.c.stowe@ustr.eop.gov; WEST William (Jay) [Business and Industry Advisory Committee (BIAC)] <jay\_west@americanchemistry.com>; williams@state.gov; YOHANNES Liabeth [United States] <yohannes.lia@epa.gov>; sophie.bernier@canada.ca; OLIVEIRA FERNANDES Maria [Portugal] <manuela.fernandes@mne.pt>; AGRAWALA Shardul, ENV/EEI <Shardul.AGRAWALA@oecd.org>; BORKEY Peter, ENV/EEI <Peter.BORKEY@oecd.org>; KOTHARI Gita, SGE/LEG <Gita.KOTHARI@oecd.org>; GARRETT Justine, ENV/EPI <Justine.GARRETT@oecd.org>; LIMBASAN Natalie, SGE/LEG <Natalie.LIMBASAN@oecd.org>

**Subject:** RE: proposal for suggestions from the EU and its Member States on App 3 and App4

Dear all,

Please find attached two documents, as announced by the Chair:

- A word document with the original wording of Appendices 3 and 4 of the OECD Decision (OECD-LEGAL-0266)
  - o This text can also be found here: [https://legalinstruments.oecd.org/en/instruments/OECD-LEGAL-0266#\\_ednref8](https://legalinstruments.oecd.org/en/instruments/OECD-LEGAL-0266#_ednref8)
- A word document with the final amendments of the Basel amendments
  - o This file can be accessed here:  
<http://www.basel.int/TheConvention/ConferenceoftheParties/ReportsandDecisions/tabid/3303/Default.aspx>

Regards,  
Frithjof

---

**From:** Gael.DE-ROTALIER@ec.europa.eu <Gael.DE-ROTALIER@ec.europa.eu>

**Sent:** 02 December, 2019 4:11 PM

**To:** LAUBINGER Frithjof, ENV/EEI <Frithjof.LAUBINGER@oecd.org>; aadler@isri.org; ANDERSSON Stina [Sweden] <stina.andersson@regeringskansliet.se>; stephane.arditi@eeb.org; dazoulay@ciel.org; rbartley@bir.org; BOUTELIGIER Sofie [Belgium] <sofie.bouteligier@ovam.be>; anne-gaelle.collot@plasticseurope.org; Harriet.Drake@defra.gov.uk; maxime.dube@canada.ca; ENCAUSSE Nicolas [France] <nicolas.encausse@developpement-durable.gouv.fr>; ERNST Michael [Germany] <michael.ernst@bmu.bund.de>; FRIJNS Peter J.M.G. [Netherlands] <peter.frijns@minienw.nl>; HEIDTMANN ANDERSEN Helle [Denmark] <hehei@mst.dk>; KUMMERLE Dominik, BIAC <KUMMERLE@biac.org>; melisa.lim@brsmeas.org; LINDÉN Ylva [Sweden] <ylva.linden@naturvardsverket.se>; MCKELL Patrick [United Kingdom] <patrick.mckell@defra.gov.uk>; MEIJER Joost [Chile] <jmeijer@mma.gob.cl>; SEIKA SANNO@env.go.jp; NAKAMURA Sho [Japan] <sho.nakamura@mofa.go.jp>; NORUS Amalie [Denmark] <amwno@mfvm.dk>; ÖZKAYA Simla [Turkey] <simlaoz@mfa.gov.tr>; PEURANEN Else [Finland] <else.peuranen@ym.fi>; PICARDI Rick [United States] <picardi.rick@epa.gov>; sirine@no-burn.org; sakamoto@exri.co.jp; SmilanskyGM@state.gov; lauren.c.stowe@ustr.eop.gov; WEST William (Jay) [Business and Industry Advisory Committee (BIAC)] <jay\_west@americanchemistry.com>; williams@state.gov; YOHANNES Liabeth [United States] <yohannes.lia@epa.gov>; sophie.bernier@canada.ca; OLIVEIRA FERNANDES Maria [Portugal] <manuela.fernandes@mne.pt>; AGRAWALA Shardul, ENV/EEI <Shardul.AGRAWALA@oecd.org>; BORKEY Peter, ENV/EEI <Peter.BORKEY@oecd.org>; KOTHARI Gita, SGE/LEG <Gita.KOTHARI@oecd.org>; GARRETT Justine, ENV/EPI <Justine.GARRETT@oecd.org>; LIMBASAN Natalie, SGE/LEG <Natalie.LIMBASAN@oecd.org>

**Subject:** proposal for suggestions from the EU and its Member States on App 3 and App4

Dear all, please find attached suggestions from the EU and its Member States for entries in App 3 and App. of the OECD Decision, as just discussed

Gaël de Rotalier  
European Commission

---

**From:** Frithjof.LAUBINGER@oecd.org <Frithjof.LAUBINGER@oecd.org>

**Sent:** 02 December 2019 15:36

**To:** aadler@isri.org; stina.andersson@regeringskansliet.se; stephane.arditi@eeb.org; dazoulay@ciel.org; rbartley@bir.org; sofie.bouteligier@ovam.be; anne-gaelle.collot@plasticseurope.org; DE ROTALIER Gael (ENV); Harriet.Drake@defra.gov.uk; maxime.dube@canada.ca; nicolas.encausse@developpement-durable.gouv.fr; michael.ernst@bmu.bund.de; peter.frijns@minienw.nl; hehei@mst.dk; KUMMERLE@biac.org; melisa.lim@brsmeas.org; ylva.linden@naturvardsverket.se; patrick.mckell@defra.gov.uk; jmeijer@mma.gob.cl; SEIKA SANNO@env.go.jp; sho.nakamura@mofa.go.jp; amwno@mfvm.dk; simlaoz@mfa.gov.tr; else.peuranen@ym.fi; picardi.rick@epa.gov;

[sirine@no-burn.org](mailto:sirine@no-burn.org); [sakamoto@exri.co.jp](mailto:sakamoto@exri.co.jp); [SmilanskyGM@state.gov](mailto:SmilanskyGM@state.gov); [lauren.c.stowe@ustr.eop.gov](mailto:lauren.c.stowe@ustr.eop.gov);  
[jay\\_west@americanchemistry.com](mailto:jay_west@americanchemistry.com); [williams@state.gov](mailto:williams@state.gov); [yohannes.lia@epa.gov](mailto:yohannes.lia@epa.gov); [sophie.bernier@canada.ca](mailto:sophie.bernier@canada.ca);  
[manuela.fernandes@mne.pt](mailto:manuela.fernandes@mne.pt); [Shardul.AGRAWALA@oecd.org](mailto:Shardul.AGRAWALA@oecd.org); [Peter.BORKEY@oecd.org](mailto:Peter.BORKEY@oecd.org); [Gita.KOTHARI@oecd.org](mailto:Gita.KOTHARI@oecd.org);  
[Justine.GARRETT@oecd.org](mailto:Justine.GARRETT@oecd.org); [Frithjof.LAUBINGER@oecd.org](mailto:Frithjof.LAUBINGER@oecd.org); [Natalie.LIMBASAN@oecd.org](mailto:Natalie.LIMBASAN@oecd.org)

**Subject:** FW: US proposal

---

**From:** Yohannes, Lia <[Yohannes.Lia@epa.gov](mailto:Yohannes.Lia@epa.gov)>

**Sent:** 02 December, 2019 3:10 PM

**To:** LAUBINGER Frithjof, ENV/EEI <[Frithjof.LAUBINGER@oecd.org](mailto:Frithjof.LAUBINGER@oecd.org)>; LIMBASAN Natalie, SGE/LEG  
<[Natalie.LIMBASAN@oecd.org](mailto:Natalie.LIMBASAN@oecd.org)>

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([williams@state.gov](mailto:williams@state.gov)) <[williams@state.gov](mailto:williams@state.gov)>; Stowe, Lauren C. EOP/USTR <[Lauren.C.Stowe@ustr.eop.gov](mailto:Lauren.C.Stowe@ustr.eop.gov)>

**Subject:** US proposal

Please see US proposal attached.

Thanks,  
Lia Yohannes

**Proposed outline of the report to the Working Party on Resource Productivity and Waste**

1. Recap of mandate and timeline of the Task Team
2. Proposed amendments to Appendices 3 and 4, where consensus was reached
3. Proposed options for amendments to Appendices 3 and 4, where no consensus was reached
4. Additional issues identified
  - a. Legal interpretations and considerations
  - b. Information and data
  - c. Monitoring
  - d. ESM, inspections and enforcement
  - e. Revision of Procedures in the Decision for addressing analogous situations in the future
5. Conclusion of the Task Team

Attached Document 1: Proposed amendments to Appendices 3 and 4, where consensus was reached

*The track edits reflect only the areas, where consensus was reached by the Task Team as of 3 December 2019. See the full report of the Task Team for areas where no consensus was reached and options proposed.*

## APPENDIX 3

### LIST OF WASTES SUBJECT TO THE GREEN CONTROL PROCEDURE

Regardless of whether or not wastes are included on this list, they may not be subject to the Green control procedure if they are contaminated by other materials to an extent which (a) increases the risks associated with the wastes sufficiently to render them appropriate for submission to the amber control procedure, when taking into account the criteria in Appendix 6, or (b) prevents the recovery of the wastes in an environmentally sound manner.

#### PART I:

Wastes listed in Annex IX of the Basel Convention.

For the purposes of this Decision:

a) Any reference ~~to list A~~ in Annex IX of the Basel Convention to list A shall be understood as a reference to Appendix 4 of this Decision.

a bis) Any reference to Annex I or III of the Basel Convention shall be understood as a reference to Appendix 1 and 2 of this Decision, respectively.

b) In Basel entry B1020 the term “bulk finished form” includes all metallic non-dispersible<sup>6</sup> forms of the scrap listed therein.

c) Pending approval by the Basel Convention, Basel entry B1030 shall read: “Residues containing refractory metals”.

d) The part of Basel entry B1100 that refers to “Slags from copper processing” etc does not apply and OECD entry GB040 in Part II applies instead.

e) Basel entry B1110 does not apply and OECD entries GC010 and GC020 in Part II apply instead.

f) Basel entry B2050 does not apply and OECD entry GG040 in Part II applies instead.



g) The reference in Basel entry B3010 to fluorinated polymer wastes shall be deemed to include polymers and co-polymers of fluorinated ethylene (PTFE).

## **PART II:**

The following wastes will also be subject to the Green control procedure:

### Metal Bearing Wastes Arising from Melting, Smelting and Refining of Metals

GB040 7112 262030 262090 Slags from precious metals and copper processing for further refining

### Other Wastes Containing Metals

GC010 Electrical assemblies consisting only of metals or alloys.

GC020 Electronic scrap (e.g. printed circuit boards, electronic components, wire, etc.) and reclaimed electronic components suitable for base and precious metal recovery.

GC030 ex 890800 Vessels and other floating structures for breaking up, properly emptied of any cargo and other materials arising from the operation of the vessel which may have been classified as a dangerous substance or waste

GC050 Spent Fluid Catalytic Cracking (FCC) Catalysts (e.g.: aluminium oxide, zeolites)

### Glass Waste in Non-dispersible Form

GE020 ex 7001 ex 701939 Glass Fibre Waste

### Ceramic Wastes in Non-Dispersible Form

GF010 Ceramic wastes which have been fired after shaping, including ceramic vessels (before and/or after use)

### Other Wastes Containing Principally Inorganic Constituents, Which May Contain Metals

### and Organic Materials

GG030 ex 2621 Bottom ash and slag tap from coal fired power plants

GG040 ex 2621 Coal fired power plants fly ash

### Solid Plastic Wastes

GH013 391530 ex 390410-40 Polymers of vinyl chloride

### Wastes Arising from Tanning and Fellingmongery Operations and Leather Use

[ PAGE \\* MERGEFORMAT ] |

GN010 ex 050200 Waste of pigs', hogs' or boars' bristles and hair or of badger hair and other brush making hair

GN020 ex 050300 Horsehair waste, whether or not put up as a layer with or without supporting material

GN030 ex 050590 Waste of skins and other parts of birds, with their feathers or down, of feathers and parts of feathers (whether or not with trimmed edges) and down, not further worked than cleaned, disinfected or treated for preservation

## APPENDIX 4

### LIST OF WASTES SUBJECT TO THE AMBER CONTROL PROCEDURE

#### PART I:

Wastes listed in Annexes II and VIII of the Basel Convention.

For the purposes of this Decision:

a) Any reference ~~to list B~~ in Annex VIII of the Basel Convention to list B shall be understood as a reference to Appendix 3 of this Decision.

a bis) Any reference to Annex I or III of the Basel Convention shall be understood as a reference to Appendix 1 or 2 of this Decision, respectively.

b) In Basel entry A1010, the term “excluding such wastes specifically listed on List B (Annex IX)” is a reference both to Basel entry B1020 and the note on B1020 in Appendix 3 to this Decision, Part I (b).

c) Basel entries A1180 and A2060 do not apply and OECD entries GC010, GC020 and GG040 in Appendix 3 Part II apply instead when appropriate. Member countries may control these wastes differently in accordance with Chapter II B 6 of this Decision concerning wastes not listed in Appendices 3 or 4, and the chapeau of Appendix 3.

d) Basel entry A4050 includes spent potlinings from aluminium smelting because they contain Y33 inorganic cyanides. If the cyanides have been destroyed, spent potlinings are assigned to Part II entry AB120 because they contain Y32, inorganic fluorine compounds excluding calcium fluoride.

e) Basel entry A3210 does not apply and AC300 in Part II applies instead.

#### PART II:

The following wastes will also be subject to the Amber control procedure:

##### Metal Bearing Wastes

AA010 261900 Dross, scalings and other wastes from the iron and steel industry<sup>7</sup>

AA060 262050 Vanadium ashes and residues<sup>8</sup>

AA190 810420 ex 810430 Magnesium waste and scrap that is flammable, pyrophoric or emits, upon contact with water, flammable gases in dangerous quantities

##### Wastes Containing Principally Inorganic Constituents, Which May Contain Metals and Organic Materials

AB030 Wastes from non-cyanide based systems which arise from surface treatment of metals

[ PAGE \\* MERGEFORMAT ] |

AB070 Sands used in foundry operations

AB120 ex 281290 ex 3824 Inorganic halide compounds, not elsewhere specified or included

AB130 Used blasting grit

AB150 ex 382490 Unrefined calcium sulphite and calcium sulphate from flue gas desulphurisation (FGD)

Wastes Containing Principally Organic Constituents, Which May Contain Metals and Inorganic Materials

AC060 ex 381900 Hydraulic fluids

AC070 ex 381900 Brake fluids

AC080 ex 382000 Antifreeze fluids

AC150 Chlorofluorocarbons

AC160 Halons

AC170 ex 440310 Treated cork and wood wastes

AC250 Surface active agents (surfactants)

AC260 ex 3101 Liquid pig manure; faeces

AC270 Sewage sludge

AC300 Plastic waste, including mixtures of such wastes, containing or contaminated with Appendix 1 constituents, to an extent that it exhibits an Appendix 2 characteristic

Wastes Which May Contain either Inorganic or Organic Constituents

AD090 ex 382490 Wastes from production, formulation and use of reprographic and photographic chemicals and materials not elsewhere specified or included

AD100 Wastes from non-cyanide based systems which arise from surface treatment of plastics

AD120 ex 391400 ex 3915 Ion exchange resins

AD150 Naturally occurring organic material used as a filter medium (such as biofilters)

Wastes Containing Principally Inorganic Constituents, Which May Contain Metals and Organic Materials

RB020 ex 6815 Ceramic based fibres of physico-chemical characteristics similar to those of asbestos

Message

---

**From:** Natalie.LIMBASAN@oecd.org [Natalie.LIMBASAN@oecd.org]  
**Sent:** 12/3/2019 5:02:06 PM  
**To:** Gael.DE-ROTALIER@ec.europa.eu; aadler@isri.org; stina.andersson@regeringskansliet.se; stephane.arditi@eeb.org; dazoulay@ciel.org; rbartley@bir.org; sofie.bouteligier@ovam.be; anne-gaelle.collot@plasticseurope.org; Harriet.Drake@defra.gov.uk; maxime.dube@canada.ca; nicolas.encausse@developpement-durable.gouv.fr; michael.ernst@bmu.bund.de; peter.frijns@minienw.nl; hehei@mst.dk; KUMMERLE@biac.org; melisa.lim@brsmeas.org; ylva.linden@naturvardsverket.se; patrick.mckell@defra.gov.uk; jmeijer@mma.gob.cl; SEIKA\_SANNO@env.go.jp; sho.nakamura@mofa.go.jp; amwno@mfvm.dk; simlaoz@mfa.gov.tr; else.peuranen@ym.fi; Picardi, Rick [Picardi.Rick@epa.gov]; sirine@no-burn.org; sakamoto@exri.co.jp; SmilanskyGM@state.gov; lauren.c.stowe@ustr.eop.gov; jay\_west@americanchemistry.com; williams@state.gov; Yohannes, Lia [Yohannes.Lia@epa.gov]; sophie.bernier@canada.ca; manuela.fernandes@mne.pt; Shardul.AGRAWALA@oecd.org; Peter.BORKEY@oecd.org; Gita.KOTHARI@oecd.org; Justine.GARRETT@oecd.org; malth@mst.dk  
**CC:** Frithjof.LAUBINGER@oecd.org  
**Subject:** RE: proposal for suggestions from the EU and its Member States on App 3 and App4  
**Attachments:** 03.12.2019 Collated non-attributed text proposals.docx; Ad Hoc Task Team Proposal for Basel A3210 12.3.19.docx

Dear all, please find attached the current version of the unattributed text table following today's discussions, as well as the document entitled "Partial Proposal of Ad Hoc Task Team on Basel Amendments Re Hazardous Plastic Wastes Only".

Best regards,

Secretariat

---

**From:** LIMBASAN Natalie, SGE/LEG  
**Sent:** 02 December 2019 18:51  
**To:** LAUBINGER Frithjof, ENV/EEI <Frithjof.LAUBINGER@oecd.org>; Gael.DE-ROTALIER@ec.europa.eu; aadler@isri.org; ANDERSSON Stina [Sweden] <stina.andersson@regeringskansliet.se>; stephane.arditi@eeb.org; dazoulay@ciel.org; rbartley@bir.org; BOUTELIGIER Sofie [Belgium] <sofie.bouteligier@ovam.be>; anne-gaelle.collot@plasticseurope.org; Harriet.Drake@defra.gov.uk; maxime.dube@canada.ca; ENCAUSSE Nicolas [France] <nicolas.encausse@developpement-durable.gouv.fr>; ERNST Michael [Germany] <michael.ernst@bmu.bund.de>; FRIJNS Peter J.M.G. [Netherlands] <peter.frijns@minienw.nl>; HEIDTMANN ANDERSEN Helle [Denmark] <hehei@mst.dk>; KUMMERLE Dominik, BIAC <KUMMERLE@biac.org>; melisa.lim@brsmeas.org; LINDÉN Ylva [Sweden] <ylva.linden@naturvardsverket.se>; MCKELL Patrick [United Kingdom] <patrick.mckell@defra.gov.uk>; MEIJER Joost [Chile] <jmeijer@mma.gob.cl>; SEIKA\_SANNO@env.go.jp; NAKAMURA Sho [Japan] <sho.nakamura@mofa.go.jp>; NORUS Amalie [Denmark] <amwno@mfvm.dk>; ÖZKAYA Simla [Turkey] <simlaoz@mfa.gov.tr>; PEURANEN Else [Finland] <else.peuranen@ym.fi>; PICARDI Rick [United States] <picardi.rick@epa.gov>; sirine@no-burn.org; sakamoto@exri.co.jp; SmilanskyGM@state.gov; lauren.c.stowe@ustr.eop.gov; WEST William (Jay) [Business and Industry Advisory Committee (BIAC)] <jay\_west@americanchemistry.com>; williams@state.gov; YOHANNES Liabeth [United States] <yohannes.lia@epa.gov>; sophie.bernier@canada.ca; OLIVEIRA FERNANDES Maria [Portugal] <manuela.fernandes@mne.pt>; AGRAWALA Shardul, ENV/EEI <Shardul.AGRAWALA@oecd.org>; BORKEY Peter, ENV/EEI <Peter.BORKEY@oecd.org>; KOTHARI Gita, SGE/LEG <Gita.KOTHARI@oecd.org>; GARRETT Justine, ENV/EPI <Justine.GARRETT@oecd.org>; 'malth@mst.dk' <malth@mst.dk>  
**Subject:** RE: proposal for suggestions from the EU and its Member States on App 3 and App4

Dear all,

As proposed by the Task Team earlier, please find attached a table showing, in the left-hand column, the current text of Appendices 3 and 4 of the OECD Decision, and in the left-hand column unattributed text proposals (distinguished by font colour).

Kind regards,

Natalie

---

**From:** LAUBINGER Frithjof, ENV/EEI <Frithjof.LAUBINGER@oecd.org>

**Sent:** 02 December 2019 17:28

**To:** Gael.DE-ROTALIER@ec.europa.eu; aadler@isri.org; ANDERSSON Stina [Sweden]

<stina.andersson@regeringskansliet.se>; stephane.arditi@eeb.org; dazoulay@ciel.org; rbartley@bir.org; BOUTELIGIER Sofie [Belgium] <sofie.bouteligier@ovam.be>; anne-gaelle.collot@plasticseurope.org; Harriet.Drake@defra.gov.uk; maxime.dube@canada.ca; ENCAUSSE Nicolas [France] <nicolas.encausse@developpement-durable.gouv.fr>; ERNST Michael [Germany] <michael.ernst@bmu.bund.de>; FRIJNS Peter J.M.G. [Netherlands] <peter.frijns@minienw.nl>; HEIDTMANN ANDERSEN Helle [Denmark] <hehei@mst.dk>; KUMMERLE Dominik, BIAC <KUMMERLE@biac.org>; melisa.lim@brsmeas.org; LINDÉN Ylva [Sweden] <ylva.linden@naturvardsverket.se>; MCKELL Patrick [United Kingdom] <patrick.mckell@defra.gov.uk>; MEIJER Joost [Chile] <jmeijer@mma.gob.cl>; SEIKA SANNO@env.go.jp; NAKAMURA Sho [Japan] <sho.nakamura@mofa.go.jp>; NORUS Amalie [Denmark] <amwno@mfvm.dk>; ÖZKAYA Simla [Turkey] <simlaoz@mfa.gov.tr>; PEURANEN Else [Finland] <else.peuranen@ym.fi>; PICARDI Rick [United States] <picardi.rick@epa.gov>; sirine@no-burn.org; sakamoto@exri.co.jp; SmilanskyGM@state.gov; lauren.c.stowe@ustr.eop.gov; WEST William (Jay) [Business and Industry Advisory Committee (BIAC)] <jay\_west@americanchemistry.com>; williams@state.gov; YOHANNES Liabeth [United States] <yohannes.lia@epa.gov>; sophie.bernier@canada.ca; OLIVEIRA FERNANDES Maria [Portugal] <manuela.fernandes@mne.pt>; AGRAWALA Shardul, ENV/EEI <Shardul.AGRAWALA@oecd.org>; BORKEY Peter, ENV/EEI <Peter.BORKEY@oecd.org>; KOTHARI Gita, SGE/LEG <Gita.KOTHARI@oecd.org>; GARRETT Justine, ENV/EPI <Justine.GARRETT@oecd.org>; LIMBASAN Natalie, SGE/LEG <Natalie.LIMBASAN@oecd.org>

**Subject:** RE: proposal for suggestions from the EU and its Member States on App 3 and App4

Dear all,

Please find attached two documents, as announced by the Chair:

- A word document with the original wording of Appendices 3 and 4 of the OECD Decision (OECD-LEGAL-0266)
  - o This text can also be found here: [https://legalinstruments.oecd.org/en/instruments/OECD-LEGAL-0266#\\_ednref8](https://legalinstruments.oecd.org/en/instruments/OECD-LEGAL-0266#_ednref8)
- A word document with the final amendments of the Basel amendments
  - o This file can be accessed here: <http://www.basel.int/TheConvention/ConferenceoftheParties/ReportsandDecisions/tabid/3303/Default.aspx>

Regards,  
Frithjof

---

**From:** Gael.DE-ROTALIER@ec.europa.eu <Gael.DE-ROTALIER@ec.europa.eu>

**Sent:** 02 December, 2019 4:11 PM

**To:** LAUBINGER Frithjof, ENV/EEI <Frithjof.LAUBINGER@oecd.org>; aadler@isri.org; ANDERSSON Stina [Sweden]

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**Subject:** proposal for suggestions from the EU and its Member States on App 3 and App4

Dear all, please find attached suggestions from the EU and its Member States for entries in App 3 and App. of the OECD Decision, as just discussed

Gaël de Rotalier  
European Commission

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**From:** Frithjof.LAUBINGER@oecd.org <[Frithjof.LAUBINGER@oecd.org](mailto:Frithjof.LAUBINGER@oecd.org)>

**Sent:** 02 December 2019 15:36

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**Subject:** FW: US proposal

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**From:** Yohannes, Lia <[Yohannes.Lia@epa.gov](mailto:Yohannes.Lia@epa.gov)>

**Sent:** 02 December, 2019 3:10 PM

**To:** LAUBINGER Frithjof, ENV/EEI <[Frithjof.LAUBINGER@oecd.org](mailto:Frithjof.LAUBINGER@oecd.org)>; LIMBASAN Natalie, SGE/LEG <[Natalie.LIMBASAN@oecd.org](mailto:Natalie.LIMBASAN@oecd.org)>

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**Subject:** US proposal

Please see US proposal attached.

Thanks,  
Lia Yohannes

Current OECD Decision Provision [OECD-LEGAL-0266]	Country Proposals
<p align="center"><b>APPENDIX 3</b></p> <p align="center"><b>LIST OF WASTES SUBJECT TO THE GREEN CONTROL PROCEDURE</b></p> <p>Regardless of whether or not wastes are included on this list, they may not be subject to the Green control procedure if they are contaminated by other materials to an extent which (a) increases the risks associated with the wastes sufficiently to render them appropriate for submission to the amber control procedure, when taking into account the criteria in Appendix 6, or (b) prevents the recovery of the wastes in an environmentally sound manner.</p>	
<p><b>PART I:</b> Wastes listed in Annex IX of the Basel Convention. For the purposes of this Decision:</p> <ul style="list-style-type: none"> <li>a Any reference to list A in Annex IX of the Basel Convention shall be understood as a reference to Appendix 4 of this Decision.</li> <li>b In Basel entry B1020 the term “bulk finished form” includes all metallic non-dispersible<sup>[ HYPERLINK "https://legalinstruments.oecd.org/" \l "_edn6" \o "" ]</sup> forms of the scrap listed therein.</li> <li>c Pending approval by the Basel Convention, Basel entry B1030 shall read: “Residues containing refractory metals”.</li> <li>d The part of Basel entry B1100 that refers to “Slags from copper processing” etc does not apply and OECD entry GB040 in Part II applies instead.</li> <li>e Basel entry B1110 does not apply and OECD entries GC010 and GC020 in Part II apply instead.</li> <li>f Basel entry B2050 does not apply and OECD entry GG040 in Part II applies instead.</li> <li>g The reference in Basel entry B3010 to fluorinated polymer wastes shall be deemed to include polymers and co-polymers of fluorinated ethylene (PTFE).</li> </ul> <p><i>Footnote 6:</i> “Non-dispersible” does not include any wastes in the form of powder, sludge, dust or solid items containing encased hazardous waste liquids.</p>	<p><b>PART I:</b> Wastes listed in Annex IX of the Basel Convention. For the purposes of this Decision:</p> <p>[...]</p> <ul style="list-style-type: none"> <li>g The reference in Basel entry B3010-B3011 to fluorinated polymer wastes shall be deemed to include polymers and co-polymers of fluorinated ethylene (PTFE).</li> </ul> <p><b>PART I:</b> Wastes listed in Annex IX of the Basel Convention. For the purposes of this Decision:</p> <ul style="list-style-type: none"> <li>a Any reference in Annex IX of the Basel Convention to list A shall be understood as a reference to Appendix 4 of this Decision.</li> <li>a bis Any reference to Annex I or III of the Basel Convention shall be understood as a reference to Appendix 1 or 2 of this Decision, respectively.</li> </ul> <p><b>PART I:</b> Wastes listed in Annex IX of the Basel Convention. For the purposes of this Decision:</p> <p>[...]</p> <ul style="list-style-type: none"> <li>g <del>The reference in Basel entry B3010 to fluorinated polymer wastes shall be deemed to include polymers and co-polymers of fluorinated ethylene (PTFE).</del> In relation to the transboundary movement of waste covered by Basel entry B3011, Member countries may enter into bilateral or</li> </ul>



	<p>regional agreements or arrangements, provided that these agreements or arrangements contain provisions which are not less environmentally sound than those contained in this Decision, in relation to such waste. Member countries shall notify the OECD Secretariat of any such agreements or arrangements, including existing agreements or arrangements, together with a justification that they contain provisions not less environmentally sound than those contained in this Decision, in relation to waste covered by entry B3011. Such agreements or arrangements shall apply to the transboundary movement of waste covered by entry B3011, which take place entirely among the parties to such agreements or arrangements, instead of the provisions of this Decision.</p> <p><b>PART I:</b> Wastes listed in Annex IX of the Basel Convention. For the purposes of this Decision: [...] g <del>The reference in Basel entry B3010 to fluorinated polymer wastes shall be deemed to include polymers and co-polymers of fluorinated ethylene (PTFE).</del> Basel entry B3011 does not apply and OECD entry GH012 in Part II applies instead.</p>
<p><b>PART II:</b> The following wastes will also be subject to the Green control procedure:  [...]</p> <p><u>Solid Plastic Wastes</u> <b>GH013</b> 391530ex      Polymers of vinyl chloride 390410-40</p>	<p><b>PART II:</b> The following wastes will also be subject to the Green control procedure:  [...]</p> <p><u>Solid Plastic Wastes</u> GH013 391530 ex 390410-40 Polymers of vinyl chloride[, provided it is destined for recycling/reclamation of organic substances which are not used as solvents (R3 in Appendix 5B).]</p>

## PART II:

The following wastes will also be subject to the Green control procedure:

[...]

### Solid Plastic Wastes

**GH013** ~~391530ex-~~ Polymers of vinyl chloride  
390410-40

## PART II:

The following wastes will also be subject to the Green control procedure:

[...]

*[The proposal illustrates how it differs from the Basel B3011 listing]*

### **GH012<sup>1</sup>**

Plastic waste and scrap [(note the related entries AC300 and AC310 in Part II of Appendix 4 in Annex II and on list A A3210)]:

- Plastic waste and scrap listed below, provided it is prepared to a international or national specification [destined for [recovery] [recycling<sup>2</sup>] in an environmentally sound manner] and almost free from contamination and other types of wastes:<sup>3</sup>
  - Plastic waste and scrap almost exclusively<sup>4</sup> consisting of one-non-halogenated polymers, including but not limited to the following polymers:
    - Polyethylene (PE)
    - Polypropylene (PP)
    - Polystyrene (PS)
    - Acrylonitrile butadiene styrene (ABS)
    - Polyethylene terephthalate (PET)
    - Polycarbonates (PC)

	<ul style="list-style-type: none"> <li>○ Polyethers</li> <li>- Plastic waste <u>and scrap almost exclusively</u><sup>4</sup> consisting of one cured resins or condensation products, including but not limited to the following resins: <ul style="list-style-type: none"> <li>○ Urea formaldehyde resins</li> <li>○ Phenol formaldehyde resins</li> <li>○ Melamine formaldehyde resins</li> <li>○ Epoxy resins</li> <li>○ Alkyd resins</li> </ul> </li> <li>- Plastic waste <u>and scrap almost exclusively</u><sup>4</sup> consisting of one of the following fluorinated polymers:<sup>5</sup> <ul style="list-style-type: none"> <li>○ Perfluoroethylene/propylene (FEP)</li> <li>○ Perfluoroalkoxy alkanes: <ul style="list-style-type: none"> <li>▪ Tetrafluoroethylene/perfluoroalkyl vinyl ether (PFA)</li> <li>▪ Tetrafluoroethylene/perfluoromethyl vinyl ether (MFA)</li> </ul> </li> <li>○ Polyvinylfluoride (PVF)</li> <li>○ Polyvinylidene fluoride (PVDF)</li> </ul> </li> <li>* Mixtures of plastic waste <u>and scrap consisting of non-halogenated polymers and cured resins and condensation products</u>, <u>consisting of polyethylene (PE), polypropylene (PP) and/or polyethylene terephthalate (PET)</u>, provided they are destined for separate recycling<sup>6</sup> of each material and in an environmentally sound manner, and almost free from contamination and other types of wastes.<sup>3</sup></li> </ul> <p><u>Footnotes:</u></p> <p><i>[The footnotes are renumbered to be sequential for this listing. For reference, please refer to the following key for how the footnotes in the OECD proposal correspond to the footnotes in the Basel B3011 listing:</i></p> <p><i>Basel footnotes converted to OECD footnotes</i></p> <p><i>Basel 11 = OECD 1</i></p> <p><i>Basel 5 = OECD 2</i></p> <p><i>Basel 6 = OECD 3</i></p>
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	<p><i>Basel 7 = OECD 4</i>  <i>Basel 8 = OECD 5</i>  <i>Basel 9 = OECD 6]</i></p> <p>1 - This entry becomes effective as of 1 January 2021. Entry B3010 is effective until 31 December 2020.</p> <p><del>2 - Recycling/reclamation of organic substances that are not used as solvents (R3 in Annex IV, sect. B) or, if needed, temporary storage limited to one instance, provided that it is followed by operation R3 and evidenced by contractual or relevant official documentation.</del></p> <p><del>3 - In relation to "almost free from contamination and other types of wastes", international and national specifications may offer a point of reference.</del></p> <p><del>4 - In relation to "almost exclusively", international and national specifications may offer a point of reference.</del></p> <p>5 - Post-consumer wastes are excluded.</p> <p><del>6 - Recycling/reclamation of organic substances that are not used as solvents (R3 in Annex IV, sect. B), with prior sorting and, if needed, temporary storage limited to one instance, provided that it is followed by operation R3 and evidenced by contractual or relevant official documentation.</del></p>
<p><b>APPENDIX 4</b>  <b>LIST OF WASTES SUBJECT TO THE AMBER CONTROL PROCEDURE</b></p>	
<p><b>PART I:</b>  Wastes listed in Annexes II and VIII of the Basel Convention.  For the purposes of this Decision:</p> <p>a Any reference to list B in Annex VIII of the Basel Convention shall be understood as a reference to Appendix 3 of this Decision.</p> <p>b In Basel entry A1010, the term "excluding such wastes specifically listed on List B (Annex IX)" is a reference both to Basel entry B1020 and the note on B1020 in Appendix 3 to this Decision, Part I (b).</p>	<p><b>PART I:</b>  Wastes listed in Annexes II and VIII of the Basel Convention.  For the purposes of this Decision:</p> <p>[...]</p> <p>e Basel entry Y48 shall be deemed not to include polymers of vinyl chloride[, provided it is destined for recycling/reclamation of organic substances which are not used as solvents (R3 in Appendix</p>

<p>c Basel entries A1180 and A2060 do not apply and OECD entries GC010, GC020 and GG040 in Appendix 3 Part II apply instead when appropriate. Member countries may control these wastes differently in accordance with Chapter II B 6 of this Decision concerning wastes not listed in Appendices 3 or 4, and the chapeau of Appendix 3.</p> <p>d Basel entry A4050 includes spent potlinings from aluminium smelting because they contain Y33 inorganic cyanides. If the cyanides have been destroyed, spent potlinings are assigned to Part II entry AB120 because they contain Y32, inorganic fluorine compounds excluding calcium fluoride.</p>	<p>5 B).] and OECD entry GH013 in Appendix 3 Part II applies instead.</p> <p><b>PART I:</b> Wastes listed in Annexes II and VIII of the Basel Convention. For the purposes of this Decision:</p> <p>a Any reference in Annex VIII of the Basel Convention to list B shall be understood as a reference to Appendix 3 of this Decision.</p> <p>a bis Any reference to Annex I or III of the Basel Convention shall be understood as a reference to Appendix 1 or 2 of this Decision, respectively.</p> <p><b>PART I:</b> Wastes listed in Annexes II and VIII of the Basel Convention. For the purposes of this Decision:</p> <p>[...]</p> <p>e In relation to the transboundary movement of waste covered by Basel entry Y48, Member countries may enter into bilateral or regional agreements or arrangements, provided that these agreements or arrangements contain provisions which are not less environmentally sound than those contained in this Decision, in relation to such waste. Member countries shall notify the OECD Secretariat of any such agreements or arrangements, including existing agreements or arrangements, together with a justification that they contain provisions not less environmentally sound than those contained in this Decision in relation to waste covered by entry Y48. Such agreements or arrangements shall apply to the transboundary movement of waste covered by entry Y48, which take place entirely among the parties to such agreements or arrangements, instead of the provisions of this Decision.</p> <p><b>PART I:</b></p>
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	<p>Wastes listed in Annexes II and VIII of the Basel Convention. For the purposes of this Decision:</p> <p>[...]</p> <p>e Basel entry A3210 does not apply and AC300 in Appendix 4 Part II applies instead.</p> <p>f Basel entry Y48 does not apply and AC310 in Appendix 4 Part II applies instead.</p>
<p><b>PART II:</b> The following wastes will also be subject to the Amber control procedure:</p> <p>[...]</p>	<p><b>PART II:</b> The following wastes will also be subject to the Amber control procedure:</p> <p>[...]</p> <p><b>AC300</b> Plastic waste, including mixtures of such wastes, containing or contaminated with <u>Appendix 1 Annex-I</u> constituents, to an extent that it exhibits an <u>Appendix 2 Annex-III</u> characteristic (note the related entries <u>GH012 in Part II of Appendix 3</u> and <u>AC310 in Part II of Appendix 4 Y48 in Annex II and on list B B3011</u>)</p> <p><b>AC310</b> Solid plastic waste not classified under the Harmonized Commodity Description and Coding System (HS) 3915 Waste parings and scrap, of plastics per the HS (note the related entries <u>GH012 in Part II of Appendix 3</u> and <u>AC300 in Part II of Appendix 4</u>)</p>



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**Expert Working Group on the review of Annexes**

**Third meeting**

Bratislava, 5–8 November 2019

Items 3 (a) and 3 (b) of the provisional agenda\*

**Review of Annex IV and related aspects of  
Annexes VIII and IX to the Basel Convention:  
Annex IV A operations and Annex IV B operations**

**Review of Annex IV to the Basel Convention: recommendations for  
revisions**

**Note by the Secretariat**

As is mentioned in the note by the Secretariat on the review of Annex IV and related aspects of Annexes VIII and IX to the Basel Convention (UNEP/CHW/RA\_EWG.3/2), the annex to the present note sets out the recommendations by the Expert Working Group on the Review of Annexes (EWG) for revisions to Annex IV and Annex IX (B1110) developed during its second meeting and made available for consideration by the Conference of the Parties at its fourteenth meeting. The present note, including its annex, has not been formally edited.

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\* UNEP/CHW/RA\_EWG.3/1.

## Annex

### **Recommendations by the expert working group on the review of the Annexes for revisions to Annex IV and Annex IX (B1110) for consideration by the Conference of the Parties at its fourteenth meeting**

#### **I. Revisions to Annex IV of the Basel Convention**

1. The expert working group on the review of the Annexes recommends that revisions to Annex IV should:
  - (a) Be based on one or more of the objectives of the review of the annex, as set out in the annex to decision BC-13/2, which are to:
    - (i) Improve/update the description of disposal operations in Annex IV;
    - (ii) Improve environmental controls by including additional disposal operations that occur in practice or could occur in practice in Annex IV;
    - (iii) Clarify the descriptions in Annex IV and in Annex IX (B1110) to address conflicts or overlaps;
  - (b) Maintain the two sections of Annex IV (section A and section B), with captions and introductions for each section;
  - (c) Add a general introduction<sup>1</sup> for Annex IV;
  - (d) Include new operations;
  - (e) Take into account that Annex IV relates to defining wastes and that, accordingly, it encompasses:
    - (i) Both environmentally sound and non-environmentally sound operations,
    - (ii) Operations irrespective of whether they are legal or illegal,
    - (iii) Operations regardless of whether they do not, or only rarely, occur in practice,
    - (iv) Operations regardless of whether they are relevant or not in the context of a transboundary movement;
  - (f) Ensure consistency in the way operations are described in both sections of the Annex.
2. The expert working group on the review of the Annexes also recommends that further work on the review of Annex IV be based on the recommended options set out in annex I to the present recommendations and on new options as needed.
3. Options for revisions to Annex IV are set out in appendix I to the present recommendations.

#### **II. Revisions to Annex IX (B1110) of the Basel Convention**

4. The expert working group on the review of the Annexes recommends that further work on the revisions to Annex IX be based on the work it has carried out so far and include the review of mirror entry A1180, as recommended by the Open-ended Working group to the Conference of the Parties in its decision OEWG-11/12.

<sup>1</sup> The textual proposal for a general introduction for Annex IV, as presented but not agreed during the second meeting of the expert working group, is set out in appendix II to the present recommendations.



## Appendix I to the recommendations by the expert working group

### Recommended options for revisions to Annex IV

The following are recommended options prepared by the expert working group on the review of the Annexes during its second meeting (Buenos Aires, Argentina, 10–13 December 2018) for revisions to Annex IV. The options cover both the captions and introductory texts for Annex IV A and IV B as well as the R and D operations listed in both sections of Annex IV.

Each R and D operation set out in Annex IV has been reviewed by the expert working group. The recommended options do not necessarily reflect the views of all the members and are meant to convey the content of the discussions.

Each option that is recommended was supported by at least one member of the expert working group. The status quo, namely the current drafting of an operation, was supported by at least one member for most operations; when the status quo is not reflected as an option, it is because no member supported it. The options either set out a new drafting proposal for an operation, or a proposed action (e.g. delete, split, merge). Proposed new operations (D16 to D22 and R14 to R17) are listed after operations currently listed in Annex IV for ease of reference, the ordering of the operations will be considered by the expert working group in due course. The proposal to have subcategories for operations (e.g. D8.01), the proposed text for a general introduction for Annex IV<sup>1</sup>, and the text of operations set out in parentheses were presented but not discussed.

**Commented [ME1]:** See correction in the footnote

The expert working group agreed that, should the status quo be retained as an option, any reference to “etc.” would need to be deleted. The group also agreed to not use “etc.” in new textual proposals for operations and in new operations.

More information on the second meeting of the expert working group on the review of the Annexes including meeting documents is available at: [ HYPERLINK

"http://www.basel.int/Implementation/LegalMatters/LegalClarity/Meetings/2ndRAEWGmtg/ta  
bid/7690/Default.aspx" \h ]. The report of the meeting is expected to be made available by mid-February  
2019.

**Commented [ME2]:** Outdated, not contained in  
UNEP/CHW.14/INF/23

#### A. Options for captions and introductory texts for Annex IV A and IV B

##### I. Annex IV A

###### 1. Option 1: status quo

A. OPERATIONS WHICH DO NOT LEAD TO THE POSSIBILITY OF RESOURCE RECOVERY, RECYCLING, RECLAMATION, DIRECT RE-USE OR ALTERNATIVE USES  
Section A encompasses all such disposal operations which occur in practice.

###### 2. Option 2

###### A. FINAL DISPOSAL OPERATIONS

A final disposal operation is an operation which is not a recovery operation even where the operation has as a secondary consequence the reclamation of substances or energy.

###### 3. Option 3

###### A. FINAL DISPOSAL OPERATIONS

Final disposal operations are those that don't have as main purpose to recover resources from wastes, even if the operations recover resources as a secondary consequence

###### 4. Option 4

<sup>1</sup> See annex appendix II.

**A. FINAL DISPOSAL OPERATIONS**

A final disposal operation is an operation which is not a recovery operation. Final disposal operations include operations that have as a secondary consequence the reclamation of useful materials or energy

**5. Option 5**

**A. FINAL DISPOSAL OPERATIONS WHICH DO NOT LEAD TO THE POSSIBILITY OF RESOURCE RECOVERY, RECYCLING, RECLAMATION, RE-USE OR ALTERNATIVE USES**

Annex IV.A encompasses all operations which lead to or are final disposal operations

**II. Annex IV B**

**1. Option 1: status quo**

**B. OPERATIONS WHICH MAY LEAD TO RESOURCE RECOVERY, RECYCLING RECLAMATION, DIRECT RE-USE OR ALTERNATIVE USES**

Section B encompasses all such operations with respect to materials legally defined as or considered to be hazardous wastes and which otherwise would have been destined for operations included in Section A.

**2. Option 2**

**B. RECOVERY OPERATIONS**

A recovery operation is an operation the principal result of which is waste serving a useful purpose by replacing other materials which would otherwise have been used to fulfil a particular function, or waste being prepared to fulfil that function, in the plant or in the wider economy

**3. Option 3**

**B. RECOVERY AND RECYCLING OPERATIONS**

A recovery operation is an operation the principal result of which is waste serving a useful purpose by replacing other materials which would otherwise have been used to fulfil a particular function, or waste being prepared to fulfil that function, in the plant or in the wider economy

**4. Option 4**

**B. RECOVERY AND RECYCLING OPERATIONS**

Recovery and recycling operations are those that have as main purpose to make use of waste by serving a useful purpose, either by bringing it back into productive use, or replacing other materials or recovering energy from it

**B. Options for Annex IV A**

**D1: Deposit into or onto land, (e.g., landfill, etc.)**

1. Deposit onto land other than covered by D5, option 1 (e.g. placement of solids, liquids or sludges into pits; permanent aboveground storage)
2. Deposit into or onto land, (e.g. non engineered landfill, dumpsites) other than by any operations D3 to D5 or D12

**D2: Land treatment, (e.g., biodegradation of liquid or sludgy discards in soils, etc.)**

0. Status quo
1. Land treatment in situ (e.g. biodegradation or chemical treatment in soils)
2. Treatment of land in situ and ex situ:
  1. - Landfarming

## 2. - Other than landfarming

**D3: Deep injection, (e.g., injection of pumpable discards into wells, salt domes of naturally occurring repositories, etc.)**

- 0. Status quo
- 1. Deposit into land other than that covered by D12 (e.g. injection into wells, salt domes of naturally occurring repositories)
- 2. Deep injection into environmentally engineered locations, (e.g., injection of pumpable discards into wells, salt domes of naturally occurring repositories)

**D4: Surface impoundment, (e.g., placement of liquid or sludge discards into pits, ponds or lagoons, etc.)**

- 0. Status quo
- 1. Surface impoundment, (e.g., placement of liquid or sludge discards into pits, tailings ponds, tailings dams or lagoons)
- 2. Delete and merge partly with D1, option 1

**D5: Specially engineered landfill, (e.g., placement into lined discrete cells which are capped and isolated from one another and the environment, etc.)**

- 0. Status quo
- 1. Landfilling
- 2. Engineered landfill (i.e. placement isolated from the environment with, if needed, venting systems, leachate collection and draining systems)

**D6: Release into a water body except seas/oceans**

- 0. Status quo

**D7: Release into seas/oceans including sea-bed insertion**

- 0. Status quo

Commented [ME3]:

**D8: Biological treatment not specified elsewhere in this Annex which results in final compounds or mixtures which are discarded by means of any of the operations in Section A**

- 0. Status quo
- 1. Biological treatment prior to submission to any of the operations in Section A.
- 2. Split in 2:
  - D8: Biological treatment as an interim operation prior to any of operations in section A
  - D8 bis. Biological treatment as a final operation

D8.01: aeration lagoons  
 D8.02: bioventilation (bioventing)  
 D8.03: activated sludge  
 D8.04: biopiles with added nutrients (composting)  
 D8.05: UASB reactors  
 D8.06: full mix digesters  
 D8.07: another aerobic treatment  
 D8.09: another anaerobic treatment

**D9: Physico chemical treatment not specified elsewhere in this Annex which results in final compounds or mixtures which are discarded by means of any of the operations in Section A, (e.g., evaporation, drying, calcination, neutralization, precipitation, etc.)**

- 0. Status quo

1. Physical/mechanical treatment (e.g. evaporation, drying), physical/chemical treatment (e.g. solvent extraction) and chemical treatment (e.g. neutralization, precipitation), immobilization (e.g. stabilization, solidification) prior to submission to any of the operations in Section A.
2. Split in 2:

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D9 Physico chemical treatment as an interim operation prior to any of operations in section A

D9 bis. Physico chemical treatment as a final operation

- D9.01: evaporation, drying, dehydration
- D9.02: precipitation, flotation, flocculation, coagulation, decantation
- D9.03: phase separation, adsorption, desorption, absorption
- D9.04: neutralization
- D9.05: treatment by adsorption / desorption of activated carbon
- D9.06: dechlorination
- D9.07: decomposition by oxidation and / or reduction
- D9.08: centrifugation, filtering and other selective separation media
- D9.09: steam air treatment, condensation
- D9.10: autoclave or other similar technology that uses pressure and temperature as process variables, for decontamination of contaminated solids
- D9.11: blending or mixing of waste
- D9.12: segregation or classification
- D9.13: Washing or decontamination
- D9.14: Crushing
- D9.15: Balling
- D9.16: Microencapsulated
- D9.17: Macroencapsulation
- D9.18: Chemical stabilization
- D9.19: Physical stabilization
- D9.20: disassembly or separation of components
- D9.21: Another waste conditioning operation for further treatment or final disposal

#### **D10: Incineration on land**

0. Status quo
1. Thermal treatment (e.g. incineration)
2. Thermal treatments
  - D10.01: incineration, thermic oxidation or pyrolysis
  - D10.02: co-incineration
  - D10.03: gasification
  - D10.04: thermal desorption
  - D10.05: vitrification
  - D10.06: other D10

#### **D11: Incineration at sea**

0. Status quo
1. Delete and merge with D10 option1
2. Delete

#### **D12: Permanent storage (e.g., emplacement of containers in a mine, etc.)**

0. Status quo
1. Permanent underground storage (e.g. emplacement of containers in a mine)  
(Note: permanent aboveground storage is encompassed in D1 option 1)
2. Split in 2:
  - D12 Permanent underground storage (e.g. emplacement of containers in a mine)
  - D12 bis: Permanent aboveground storage

**D13: Blending or mixing prior to submission to any of the operations in Section A**

0. Status quo
1. Mechanical treatment (e.g. dismantling, sorting, crushing, compacting, pelletizing, shredding, conditioning, repackaging, separating, blending, mixing) prior to submission to any of the operations in section A
2. Mechanical operations (e.g. dismantling, sorting, crushing, compacting, pelletizing, shredding, conditioning, repackaging, separating) prior to submission to any of the operations in section A
3. Delete and merge with D9 option1

**D14: Repackaging prior to submission to any of the operations in Section A**

0. Status quo
1. Delete and merge with D13, option 1
2. Delete and merge with D15

**D15: Storage pending any of the operations in Section A**

1. Temporary storage pending any of the operations in section A
2. Temporary storage pending any of the operations in Section A

D15.01: with transfer or repackage  
D15.02: without transfer or repackage

**NEW OPERATIONS**

**D16: Release to the atmosphere (e.g. venting of compressed or liquefied gases)**

**D17: Treatment of waste by nanomaterials**

**D18: Open burning**

**D19: Treatment of sterilization or decontamination of biopathological waste**

D19.01: autoclave  
D19.02: microwave - radio waves.  
D19.03: physical sterilization  
D19.04: chemical sterilization  
D19.05: other method or technology not specified

**D20: Final disposal operations other than covered by D1 option1, D2 option1, D3 option1, D5 option1, D6, D7, D10 option1, D12 option1 and D16 above**

**D21: Other treatment than covered by D8 option1, D9 option1 and D13 option1 above prior to submission to any of the operations in Section A**

**D22:**

1. Operations addressing stabilization and solidification
2. Immobilization (e.g. stabilization, solidification) prior to submission to any of the operations in section A

**C. Options for Annex IV B**

**R1: Use as a fuel (other than in direct incineration) or other means to generate energy**

0. Status quo
1. Use as a fuel or other means to generate energy
2. Thermal treatment with the principal purpose to generate energy (e.g. incineration, co-processing)

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**R2: Solvent reclamation/regeneration**

- 0. Status quo
- 1. Delete and merge with R3 option1 and R5 option1
- 2. Solvent reclamation/regeneration.
  - R2.01: distillation / rectification
  - R2.02: filtered
  - R2.03: other R2

**R3: Recycling/reclamation of organic substances which are not used as solvents**

- 0. Status quo
- 1. Recycling of organic substances
- 2. Recovery of organic substances which are not used as solvents

**R4: Recycling/reclamation of metals and metal compounds**

- 0. Status quo
- 1. Recycling of metals and metal compounds
- 2. Recovery of metals and metal compounds
  - R4.01: precipitation
  - R4.02: pyrometallurgy
  - R4.03: hydrometallurgy
  - R4.05: unspecified metallurgical processes
  - R4.05: distillation
  - R4.06: decontamination
  - R4.07: metal casting

**R5: Recycling/reclamation of other inorganic materials**

- 0. Status quo
- 1. Recycling of other inorganic materials
- 2. Recovery of other inorganic materials

**R6: Regeneration of acids or bases**

- 0. Status quo
- 1. Recycling of acids or bases
- 2. Delete R6 and merge with R3 option1 and R5 option1

**R7: Recovery of components used for pollution abatement**

- 0. Status quo
- 1. Recycling of pollution abatement equipment
- 2. Delete R7 and merge with R3 option1, R4 option1 and R5 option1
- 3. Recovery of components used for pollution control
  - R7.01: Recovery or regeneration of activated carbon
  - R7.02: another treatment applied to used components

**R8: Recovery of components from catalysts**

0. Status quo
1. Recycling of catalysts
2. Recycling/reclamation of catalysts
3. Delete R8 and merge with R3 option1, R4 option1 and R5 option1
4. Recovery of components from catalysts
  - R8.01: hydrometallurgy
  - R8.02: pyrometallurgy
  - R8.03: other R8

**R9: Used oil re-refining or other reuses of previously used oil**

0. Status quo
1. Re-refining of used oil
2. Refining of used oils and other reusable fluids.
3. Delete and merge with R3 option1
4. Recovery of used oil and hydrocarbons
  - R9.01: filtering or rectification
  - R9.02: distillation of natural or synthetic hydrocarbon-based waste
  - R9.03: use without the need of any further operation from this Annex

**R10: Land treatment resulting in benefit to agriculture or ecological improvement**

0. Status quo
1. Use of waste for soil, agriculture or other ecological improvement
2. Land treatment other than in D2 resulting in benefit to agriculture or ecological improvement
3. Delete and merge with a catchall element in a new operation (R17)
4. Land treatment resulting in benefit to agriculture or ecological improvement:
  - R10.01: valorization of phosphorus or nitrogen content
  - R10.02: preparation or manufacture of amendments or fertilizers
  - R10.03: improvement of disaggregated soils without an agronomic purpose

**R11: Uses of residual materials obtained from any of the operations numbered R1-R10**

0. Status quo
1. Delete

**R12: Exchange of wastes for submission to any of the operations numbered R1-R11**

0. Status quo
1. Blending or mixing of wastes prior to submission to any of the operations numbered R1-R11
2. Mechanical treatment other than blending and mixing of wastes prior to submission to any of the operations numbered R1-R11
3. Split and replace by 4 new operations
  - R12 Biological treatment prior to submission to any of the operations in section B
  - R12 bis Physical/mechanical treatment (e.g. evaporation, drying), physical/chemical treatment (e.g. solvent extraction), chemical treatment (e.g. neutralization, precipitation) prior to submission to any of the operations in section B

R12 ter Mechanical treatment (e.g. dismantling, sorting, crushing, compacting, pelletizing, shredding, conditioning, repackaging, separating, blending, mixing) prior to submission to any of the operations in section B

R12 quater Other treatment than covered by R12, R12bis and R12 ter above prior to submission to any of the operations in section B

4. Physical, mechanical and / or chemical treatment

- R12.01: evaporation, drying, dehydration
- R12.02: precipitation, flotation, flocculation, coagulation, decantation
- R12.03: phase separation, adsorption, desorption, absorption
- R12.04: neutralization
- R12.05: treatment by adsorption / desorption of activated carbon
- R12.06: dechlorination
- R12.07: decomposition by oxidation and / or reduction
- R12.08: centrifugation, filtering and other selective separation media
- R12.09: steam air treatment, condensation
- R12.10: autoclave or other similar technology that uses pressure and temperature as process variables, for decontamination of contaminated solids
- R12.11: blending or mixture of waste
- R12.12: segregation or classification
- R12.13: Washing or decontamination
- R12.14: Crushing
- R12.15: Balanced
- R12.16: Microencapsulation
- R12.17: Macroencapsulation
- R12.18: Chemical stabilization
- R12.19: Physical stabilization
- R12.20: disassembly or separation of components
- R12.21: Another waste conditioning operation for further treatment or final disposal
- R12.22: other R12

**R13: Accumulation of material intended for any operation in Section B**

1. Temporary storage pending any of the operations in section B
2. Temporary storage pending any of the operations in Section B

- R13.01: with transfer or repackaging
- R13.02: without transfer or repackaging

**NEW OPERATIONS**

**R14: Preparing for re-use (e.g. checking, cleaning, repair, refurbishment)**

**R15: Co-processing**

**R16: Repackaging prior to submission to any of the operations in Section B**

**R17: Recovery other than covered by R1 option2, R3 option1, R4 option1, R5 option1 and R14**

above

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## **Appendix II to the recommendations by the expert working group**

### **General introduction for Annex IV**

#### **Annex IV Disposal operations**

There are two categories of disposal operations, namely recovery operations and final disposal operations. Section A encompasses final disposal operations and section B recovery operations.

This Annex covers disposal operations including interim operations.

This Annex covers all operations, regardless of their legal status and, as such, regardless of whether they are considered to be environmentally sound.

The principal purpose of a treatment determines the selection of an operation.

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Message

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**Sent:** 10/16/2019 12:59:46 PM  
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**Subject:** RE: BC Informal consultations of the Expert Working Group on the Review of the Annexes, 16 Oct 2019

**Attachments:** Tentative schedule for EWG on RA\_3.docx; decision BC-14\_16 and abstract of decision 14\_13.docx; Agenda for 16 October 2019 consultations .ppt

Dear members and observers of the Expert Working Group on the review of Annexes,

Please find attached other documents to be discussed during the consultations.

Kind regards,  
Leslie

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**From:** Leslie Angeles

**Sent:** Friday, 4 October, 2019 5:49 PM

**To:** Alejandra Acosta <aacosta@ambiente.gob.ar>; 'khachart7@yahoo.com' <khachart7@yahoo.com>; 'khokan.bagchi@environment.gov.au' <khokan.bagchi@environment.gov.au>; 'maja.daul@gmail.com' <maja.daul@gmail.com>; 'gilbertowmail@gmail.com' <gilbertowmail@gmail.com>; Gilberto Werneck de Capistrano Filho <gilberto.capistrano-filho@ibama.gov.br>; Julie Croteau <julie.croteau@canada.ca>; 'joostbaselannex@gmail.com' <joostbaselannex@gmail.com>; Joost Meijer <jmeijer@mma.gob.cl>; 'graglianti@mma.gob.cl' <graglianti@mma.gob.cl>; 'dongqingyin@tsinghua.edu.cn' <dongqingyin@tsinghua.edu.cn>; 'alopez@minambiente.gov.co' <alopez@minambiente.gov.co>; 'lopezandrea1368@gmail.com' <lopezandrea1368@gmail.com>; 'roger\_mpan@hotmail.fr' <roger\_mpan@hotmail.fr>; 'eddy.pazmino@epn.edu.ec' <eddy.pazmino@epn.edu.ec>; 'ghada\_am@yahoo.com' <ghada\_am@yahoo.com>; Italo Cordova <icordova@marn.gob.sv>; 'mari-liis.ummik@envir.ee' <mari-liis.ummik@envir.ee>; Peter Wessman <Peter.Wessman@ec.europa.eu>; Irma Gurguliani <i.gurguliani@moe.gov.ge>; 'igurguliani@gmail.com' <igurguliani@gmail.com>; Michael Ernst <michael.ernst@bmu.bund.de>; Sonu Singh <sonu.singh@nic.in>; Sonu Singh (EWGEW) <sonutg@gmail.com>; 'rmalekiar@yahoo.com' <rmalekiar@yahoo.com>; 'rmalekiar@gmail.com' <rmalekiar@gmail.com>; 'yaelo@sviva.gov.il' <yaelo@sviva.gov.il>; Seika Sanno <SEIKA\_SANNO@env.go.jp>; 'mkhashashneh@yahoo.com' <mkhashashneh@yahoo.com>; 'jnyandibo@epa.gov.lr' <jnyandibo@epa.gov.lr>; 'aylin121@gmail.com' <aylin121@gmail.com>; Jean Claude Salama <sjc.claude@yahoo.fr>; 'janine.van.aalst@minienm.nl' <janine.van.aalst@minienm.nl>; 'owen.cox@epa.govt.nz' <owen.cox@epa.govt.nz>; Magda Gosk <magda.gosk@mos.gov.pl>; 'smogomotsi@environment.gov.za' <smogomotsi@environment.gov.za>; 'mjabari@ppu.edu' <mjabari@ppu.edu>; 'ylva.linden@swedishepa.se' <ylva.linden@swedishepa.se>; 'ylva.linden@naturvardsverket.se' <ylva.linden@naturvardsverket.se>; Isabelle Baudin <isabelle.baudin@bafu.admin.ch>; Michel Tschirren <Michel.Tschirren@bafu.admin.ch>; 'magejohn@yahoo.com' <magejohn@yahoo.com>; Marzouki Abderrazak <marzoukiabderrazak@yahoo.fr>; 'abderrazak.marzouki@gmail.com' <abderrazak.marzouki@gmail.com>; 'dgeqv@mineat.gov.tn' <dgeqv@mineat.gov.tn>; 'wsimwayi@zema.org.zm' <wsimwayi@zema.org.zm>; 'wsimwayi@gmail.com' <wsimwayi@gmail.com>; 'amakasa@zema.org.zm' <amakasa@zema.org.zm>

**Cc:** 'juanjosegaleano@gmail.com' <juanjosegaleano@gmail.com>; 'jjgaleano@produccion.gob.ar' <jjgaleano@produccion.gob.ar>; 'italamoni@ambiente.gov.ar' <italamoni@ambiente.gov.ar>; 'rick.zentelis@environment.gov.au' <rick.zentelis@environment.gov.au>; 'hazardous.waste@environment.gov.au' <hazardous.waste@environment.gov.au>; 'andreas.moser@bmnt.gv.at' <andreas.moser@bmnt.gv.at>; 'leen.chanet@vlaanderen.be' <leen.chanet@vlaanderen.be>; Maxime Dube <maxime.dube@canada.ca>; 'jiajia@mepscc.cn' <jiajia@mepscc.cn>; Annemette Carline Sogard <amj@mst.dk>; 'else.peuranen@ym.fi' <else.peuranen@ym.fi>; 'anja.meutsch@bmu.bund.de' <anja.meutsch@bmu.bund.de>; Georg Surkau <georg.surkau@bmu.bund.de>; Hayata Hiroki <hayata-hiroki@meti.go.jp>; Kazuo Nakatani <nakatani-kazuo@meti.go.jp>; Osamu Sakamoto <sakamoto@exri.co.jp>; 'peter.frijns@minienm.nl' <peter.frijns@minienm.nl>; 'wielenga@ffact.nl' <wielenga@ffact.nl>; Lia Yohannes <Yohannes.Lia@epa.gov>; BCRC Argentina <lumiere@inti.gob.ar>; 'lumiere@uolsinectis.com.ar' <lumiere@uolsinectis.com.ar>; 'tqytsinghua@foxmail.com' <tqytsinghua@foxmail.com>; Lixia Zheng <bccc@tsinghua.edu.cn>; BCRC Slovakia <dana.lapesova@sazp.sk>; Jay West <Jay\_West@americanchemistry.com>; Hayley Palmer <hayley.palmer@ban.org>; Jim Puckett <jpuckett@ban.org>; Ross Bartley <rbartley@bir.org>; 'lorenzo.ceccherini@cewep.eu' <lorenzo.ceccherini@cewep.eu>; Marta Gurin <Marta.Gurin@cewep.eu>; 'lighea.speziale@cewep.eu' <lighea.speziale@cewep.eu>; Ella Stengler <ella.stengler@cewep.eu>; 'gina\_killikelly@dell.com' <gina\_killikelly@dell.com>; Klaus Hieromi

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**Subject:** BC Informal consultations of the Expert Working Group on the Review of the Annexes, 16 Oct 2019

Dear members and observers of the Expert Working Group on the review of Annexes,

The Secretariat of the Basel Convention invites you to join the informal consultations of the Expert Working Group on the review of the Annexes on **Wednesday, 16 October 2019 from 3-5:00 p.m. (Geneva time)**. For information on the respective starting time of the consultations in your location, please see the table below:

Location	Timing (3pm GVA time)
Roseville CA, USA Seattle, WA, USA	6:00
San Salvador, El Salvador	7:00
Bogota, Colombia Quito, Ecuador	8:00
Gatineau, Quebec, Canada Washington DC, USA	9:00
Buenos Aires, Argentina Brasilia, Brazil Santiago, Chile	10:00
Monrovia, Liberia	13:00
Brazzaville, Congo Dublin, Ireland Tunis, Tunisia	14 :00
Vienna, Austria Braine l'Alleud, Belgium Brussels, Belgium Mechelen, Belgium Sarajevo, Bosnia & Herzegovina Copenhagen, Denmark Cairo, Egypt Boulogne-Billancourt, France Bonn, Germany Oberursel, Germany The Hague, Netherlands Warsaw, Poland Pretoria, South Africa Bratislava, Slovakia Stockholm, Sweden Bern, Switzerland Skopje, The Former Yugoslav Republic of Macedonia Lusaka, Zambia	15:00
Jerusalem, Israel Tallinn, Estonia Helsinki, Finland	16:00

Amman, Jordan	
Hebron, West Bank, State of Palestine	
Antananarivo, Madagascar	
Bucharest, Romania	
Dodoma, Tanzania	
Tbilisi, Georgia	17:00
Yerevan, Armenia	
Tehran, Iran	17:30
New Delhi, India	18:30
Beijing, China	21:00
Tokyo, Japan	22:00
Canberra, Australia	00:00, 17 Oct
Wellington, New Zealand	01:00, 17 Oct

The proposed **agenda** for the consultations is as follows:

- Status of preparations for the EWG\_3 on RA
- Tentative schedule for the EWG\_3 on RA (*see attachment*)

**Please register to the informal consultations through the link below.** Once you are approved by the host, you will receive a confirmation email with instructions for joining the session. If you do not receive the confirmation email please check your junk email inbox.

**Kindly join the session at least 30 minutes prior to the starting time** in order to ensure that your audio equipment is working properly.

BRS Conventions Secretariat has invited you to a Webex meeting that requires registr

## EWG RA online informal consultations

Host: BRS Conventions Secretariat

Wednesday, 16. October 2019

15:00 | Europe Summer Time (Paris, GMT+02:00) | 2 hrs

Register

Need help? Go to <http://help.webex.com>

**If you are new to WebEx please join the technical trial on Tuesday, 15 October 2019 at 15:00 Geneva time (the session will remain open for 60 minutes).**

**Technical trial to EWG RA online informal consultations**

Host: BRS Conventions Secretariat

Tuesday, 15. October 2019

15:00 | Europe Summer Time (Paris, GMT+02:00) | 1 hr

**Register**

For assistance: You can contact Leslie Angeles at [leslie.angeles@brsmeas.org](mailto:leslie.angeles@brsmeas.org)

We look forward to welcoming you online.

With best regards,

**Secretariat of the Basel, Rotterdam and Stockholm Conventions**

United Nations Environment Programme  
11-13, Chemin des Anémones  
1219 Chatelaine, Geneva, Switzerland  
Internet: [www.basel.int](http://www.basel.int) / [www.pic.int](http://www.pic.int) / [www.pops.int](http://www.pops.int)



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(/)

# SA VINYLs ASSOCIATION SPEARHEADS EXCITING NEW RECYCLING PROJECT FOR HOSPITALS

**Cape Town**, March 23, 2015. – The rising costs of healthcare waste management in South Africa and the rest of the world are forcing hospitals and clinics to rethink the way in which they deal with their healthcare waste. The Southern African Vinyls Association (SAVA), under the leadership of its Chief Executive Officer, Delanie Bezuidenhout, is pushing for a paradigm shift by implementing a recycling programme at hospitals and clinics, whereby hazardous waste is separated from non-hazardous material and PVC is recovered for recycling.

“The healthcare environment uses safe, high performance PVC that is highly recyclable. Many of these products never even make contact with patients, but are thrown away indiscriminately because of over-cautious practices that were introduced in the 1980s when HIV and Aids were peaking in the public awareness, but little was understood about the spread of the disease at the time,” explains Delanie.

According to SAVA, the aging population is expected to drive the use of medical polymers from 4 901 kilotonnes (kt) in 2013 to 7 149 kt by 2020. That equates to a compound annual growth of 5.6%. “We also expect that conventional materials such as glass and metal will be further replaced by high performance polymers, increasing the use of PVC and polypropylene in hospitals,” she says.

In recent years, SAVA has managed to transform the industry through its pro-active Product Stewardship Programme that voluntarily commits its member companies and local PVC manufacturers to sustainable practices and the removal of hazardous materials in the



manufacturing process. Despite their successes, they are still battling to shake off the legacy and public perception that PVC cannot be recycled.

“PVC is a versatile polymer that can be used for anything from a rigid application such as piping, to soft applications such as IV bags, tubing and oxygen masks in hospitals. Even inflatable splints, blister packs for medicines, and flooring are PVC products”, Delanie says, highlighting the large amount PVC products that can be diverted from landfill or recycled into a wide variety of new materials, such as shoe soles, pipes, hoses, door mats, gum boots and traffic cones.

Four years ago, Delanie first presented the idea of recycling hospital waste to the industry. “Our suggestions were not well received and the idea of diverting a significant amount of that waste so that it is separated from healthcare risk waste, seemed far-fetched at the time. Luckily, attitudes have changed since then, and many waste management professionals are coming around to the benefits of separating uncontaminated PVC products from both the hazardous and non-hazardous waste streams.

Delanie says they are starting to see a change in the way that healthcare risk waste is managed. Hospital administrators and staff alike have been thinking about increasing separation and diversion to reduce both costs and the impact on the environment. There are also a lot of case studies and pilot projects from overseas demonstrating proof of concept.

“It’s a fact that hazardous healthcare risk waste is extremely costly to dispose of. On the other hand, implementing a country-wide initiative to divert reusable PVC materials from hospitals would also cost money. Both forms of waste management are subject to additional handling fees which also drive up costs. By looking at international case studies, however, it’s possible to extrapolate that the move towards greater PVC recycling can be cost neutral for hospitals,” Delanie says.

Nonetheless, there are numerous advantages for hospitals wanting to pursue this course of action. These include contributing towards the overall environmental compliance for the facility, enhancing community relationships, avoiding long-term liability, increases the moral of staff when they know they are perceived to be do the right thing, as well as various specific economic benefits.

Realising the benefits that can be unlocked from the project, a private hospital group has offered SAVAs their full support and agreed to test the pilot project at two of their hospitals in the Western Cape.

Apart from legislation, there are also other challenges associated with the idea. “Our biggest obstacles have been concerns about infection control, the risk of contamination if separation is not done properly and staff members who are resisting the change. Storage space could also be a problem if yet another bin for another type of waste stream was added to hospitals’ existing bin sets, and achieving economies of scale is also harder when it comes to the logistics of collecting and removing the products,” Delanie explains.

She adds that one way of addressing some of those challenges, is to remember the phrase: “When in doubt, leave it out.” Other ways to mitigate changeover challenges include proper ongoing education of hospital staff on correct separating procedures – something which is done already—and to have a specific champion of the idea at healthcare facilities.

“We have just completed the initial scoping questionnaires at both hospitals, which gave us a good idea of the amount of material that could be recycled, as well as a baseline from which to work. At the same time, we conducted site visits and met with senior managers at both hospitals to explain our project and on-going involvement in their hospitals. The next step would be to train their personnel about exactly what material can be recycled and how to separate the materials effectively. We will re-assess and offer follow-up training in August, before issuing our report about the effectiveness of the project in November”.

“We are confident that we will be able to roll out the pilot of our PVC recycling project to other hospitals in 2016”, Delanie concludes.

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## Related Articles

### **PVC Banners Are Being Transformed into Sustainable Handbags (/blog/pvc-banners-are-being-transformed-sustainable-handbags)**

May 6, 2016

Reuse is one of the objectives of the 3R concept: Reduce, Recycle and Reuse, which recently has been bandied about in support of sustainability. Besides being widely recycled - as recent research by the Instituto do PVC indicates - PVC is also being reused, after being discarded. Associations have found a creative way of reusing promotional material employed in the visual communications field.

*Category: Sustainability (/news-tags/sustainability)*

### **Sustainable Development Brings Clean Water to Honduran Village (/blog/sustainable-development-brings-clean-water-honduran-village)**

May 4, 2016

Vinyl pipe brings clean water to Honduran villages

*Category: Sustainability (/news-tags/sustainability)*

### **Vinyl Institute Names Cristian Barcan as Vice President of Sustainability and Industry Affairs (/blog/vinyl-institute-names-cristian-barcan-vice-president-sustainability-and-industry-affairs)**

May 4, 2016

The Vinyl Institute welcomes Cristian Barcan as our new Vice President of Sustainability and Industry Affairs. In this new position, Cristian is responsible for leading the organization's overall campaign to advance the vinyl industry's sustainability commitment and progress, and build positive relationships

with key influencers as we showcase the beneficial applications of vinyl products.

*Category: Sustainability (/news-tags/sustainability)*

# CONTRIBUTING TO SUSTAINABILITY

The key aspects of sustainability – environmental, economic, and social – are embodied in the material the vinyl industry works with each day.

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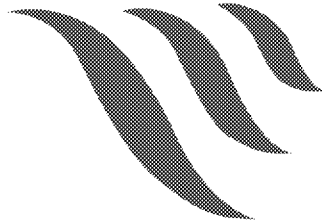
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# Vinyl Council Australia



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## Recycling

### Industry Strategy

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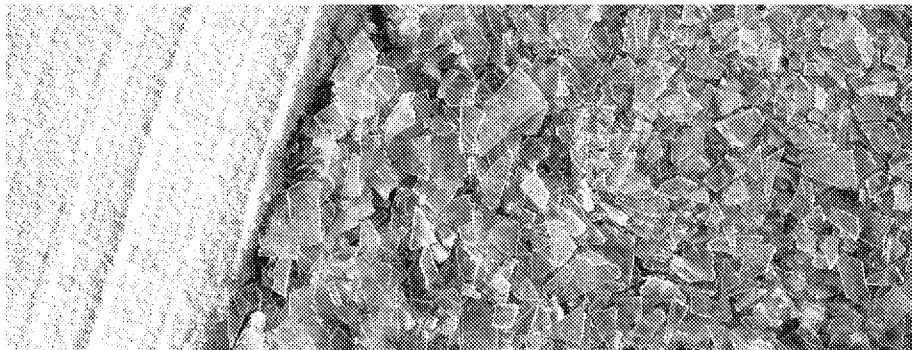
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## **A PVC industry recycling strategy for Australia**

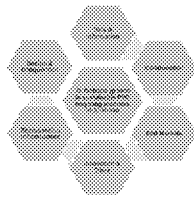
In Australia, it is estimated that 50,000-70,000 tonnes of recyclable PVC product may go to landfill each year. This is wasted material and represents potential reprocessing opportunities that would generate local employment and business investment. We estimate that about 15% of this total is short-lived material such as packaging and medical products, and 85% is longer life vinyl product like pipe, cable insulation, weatherboard and flooring.

The Council and its members are committed to advancing PVC recovery and recycling. We do this through collaborating with partners, investigating reprocessing technologies, identifying end markets and undertaking trials for new reprocessed product. The Council also holds events and advocates for action beyond 'business as usual'.

The Council and its members have established successful vinyl recycling programs and connected numerous suppliers of PVC waste to recyclers to divert the material from landfill.

The Council's PVC ReSource Summits (2011 and 2015) have engaged diverse and influential stakeholders to explore opportunities to improve cost effective recovery and recycling of end-of-life PVC into new products. Participants at both forums provided vital input to identify strategic priorities so as to address barriers to PVC recycling, improve knowledge, data and expertise, and encourage innovation in reprocessing, product design and recycling capability.

### **Key elements of the current strategy**



Vision: To facilitate growth in sustainable PVC recycling practices in Australia.

Achieved by:

- > Measuring PVC recycling more accurately
- > Facilitating the work of those keen to recycle and establishing systemic change, particularly with members & associates
- > Developing market pull for recoPVC by growing end user demand
- > Increasing the number of reprocessors while improving the viability of PVC recycling in Australia
- > Encouraging Design for Recycling and promoting consistent recyclate quality

Some of the major challenges in Australia for recycling PVC were identified as:

- > the low cost of landfill (low deterrent to waste)
- > low cost of virgin polymer
- > disinterest of major waste sorting facilities and recyclers in separating co-mingled plastics for local reprocessing
- > comparative high costs of reprocessing and product development due to market scale
- > minimal government involvement, policies or programs supporting PVC recovery and reprocessing in Australia as PVC is not considered a major waste stream

### Strategic outcomes

- > Successfully advocating for continuation of the annual National Plastics Recycling Survey as a source of data
- > Gaining grant funds from NSW Environment Trust to expand research and trials into reprocessing, product design and supply chain solutions for both PVC coated fabric (advertising banners) and commercial vinyl flooring
- > Growing the [PVC Recycling in Hospital \(/vinyl/pvc-recycling-in-hospital\)](#) program
- > Assisting matching parties with PVC waste with recyclers or reusers to divert material from otherwise ending up in

landfill

- > Supporting members interested in developing recycling capability

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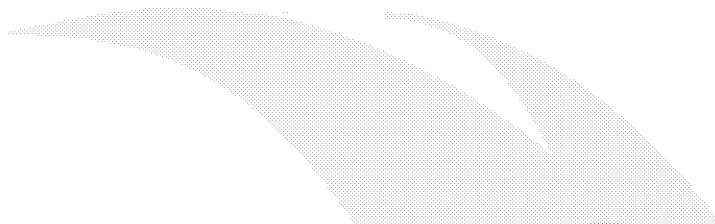
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# Vinyl Council Australia

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Message

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**From:** West, Jay [Jay\_West@americanchemistry.com]  
**Sent:** 10/25/2019 3:00:44 PM  
**To:** Yohannes, Lia [Yohannes.Lia@epa.gov]  
**CC:** Harris, Stewart [Stewart\_Harris@americanchemistry.com]  
**Subject:** RE: Basel and OECD follow-up

Your message reminds me that I failed to tell you that I'm not attending the annex review meeting. I have a long-standing commitment to a meeting in China the week after, and it won't work.

**Jay West | American Chemistry Council**  
**Senior Director, Chemical Products and Technology**  
[Jay\\_West@americanchemistry.com](mailto:Jay_West@americanchemistry.com)  
700 Second Street NE | Washington, DC 20002  
O: 202-249-6407 | F: 202-330-5546  
[www.americanchemistry.com](http://www.americanchemistry.com)

---

**From:** Yohannes, Lia [mailto:Yohannes.Lia@epa.gov]  
**Sent:** Friday, October 25, 2019 10:53 AM  
**To:** West, Jay <Jay\_West@americanchemistry.com>  
**Cc:** Harris, Stewart <Stewart\_Harris@americanchemistry.com>  
**Subject:** RE: Basel and OECD follow-up

Yes, that would be helpful – happy to touch base in Slovakia. The Annex review issues are more time sensitive at this point.

Liabeth Yohannes  
International Branch  
Office of Resource Conservation and Recovery  
U.S. EPA Office of Land and Emergency Management  
[Yohannes.Lia@epa.gov](mailto:Yohannes.Lia@epa.gov)  
+1.703.308.8413

---

**From:** West, Jay <Jay\_West@americanchemistry.com>  
**Sent:** Friday, October 25, 2019 10:50 AM  
**To:** Yohannes, Lia <Yohannes.Lia@epa.gov>  
**Cc:** Harris, Stewart <Stewart\_Harris@americanchemistry.com>  
**Subject:** RE: Basel and OECD follow-up

Thank you, Lia.

What is your timing for a response on the fluorinated polymers question? I suspect you want information a few days before the Secretariat's deadline.

**Jay West | American Chemistry Council**  
**Senior Director, Chemical Products and Technology**  
[Jay\\_West@americanchemistry.com](mailto:Jay_West@americanchemistry.com)  
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**From:** Yohannes, Lia [<mailto:Yohannes.Lia@epa.gov>]  
**Sent:** Friday, October 25, 2019 10:10 AM  
**To:** West, Jay <[Jay\\_West@americanchemistry.com](mailto:Jay_West@americanchemistry.com)>  
**Cc:** Harris, Stewart <[Stewart\\_Harris@americanchemistry.com](mailto:Stewart_Harris@americanchemistry.com)>  
**Subject:** RE: Basel and OECD follow-up

Jay and Stew,

Just a heads up that I'll be inviting another EPA colleague to join our call on Monday. Renee Bellew works in our Dallas office (Region 6) and is helping out on some of the OECD info request.

Lia

Liabeth Yohannes  
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---

**From:** West, Jay <[Jay\\_West@americanchemistry.com](mailto:Jay_West@americanchemistry.com)>  
**Sent:** Thursday, October 24, 2019 3:28 PM  
**To:** Yohannes, Lia <[Yohannes.Lia@epa.gov](mailto:Yohannes.Lia@epa.gov)>  
**Cc:** Harris, Stewart <[Stewart\\_Harris@americanchemistry.com](mailto:Stewart_Harris@americanchemistry.com)>  
**Subject:** RE: Basel and OECD follow-up

Lia,

Stew is on travel tomorrow, and I'm leading a meeting on Monday that won't adjourn until 4. Can we do a call at 4 p.m.? Monday will also give me time to seek information to inform your second bullet.

In the meantime, I wanted to share with you the attached open access paper, *A Critical Review of the Application of Polymer of Low Concern and Regulatory Criteria to Fluoropolymers*. It examines PTFE, PFA, and FEP against low-concern criteria. We plan to submit this paper to the Task Group.

**Jay West | American Chemistry Council**  
Senior Director, Chemical Products and Technology  
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**From:** Yohannes, Lia [<mailto:Yohannes.Lia@epa.gov>]  
**Sent:** Thursday, October 24, 2019 12:37 PM  
**To:** West, Jay <[Jay\\_West@americanchemistry.com](mailto:Jay_West@americanchemistry.com)>  
**Cc:** Harris, Stewart <[Stewart\\_Harris@americanchemistry.com](mailto:Stewart_Harris@americanchemistry.com)>  
**Subject:** Basel and OECD follow-up

Jay and Stewart,

Hope you're both well. I was wondering if you might have some time to discuss a couple of Basel and OECD issues:

- The more immediate question is related to Basel Annex review. I'd like to get your insights on what issues you anticipate might be raised at the upcoming Annex review meeting regarding potential proposals to modify Annex I/III to address plastic scrap/waste. Also welcome your input on any other key issues in the Annex review process that you'd like to flag.
- On the OECD side, it would be good to get your input on PTFE and the other fluorinated polymers on the existing OECD B3010 listing. Do you know the extent to which these polymers are traded/recycled/sent for recovery within the OECD? Any information about the technologies used in their recycling and recovery that help ensure their environmentally sound management would also be helpful.

Do you have availability tomorrow or Monday? I'm pretty flexible both days.

Thanks

Liabeth Yohannes  
International Branch  
Office of Resource Conservation and Recovery  
U.S. EPA Office of Land and Emergency Management  
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Message

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**From:** MacFarlane, Ryan [RMacFarlane@crowell.com]  
**Sent:** 10/4/2018 3:20:40 AM  
**To:** Alex Chapparro [achaparro@direcon.gob.cl]; Alexander Sanzharovskiy [a.sanzharovskiy@epic.center]; Alexandra Liashik [a.liashik@ciscenter.org]; Alfredo Garcia (Peru, PRODUCE) [agarcia@produce.gob.pe]; Horan, Andrew [Horan.Andrew@epa.gov]; Andrey Kim (Russia) [mail@andreykim.ru]; Anke Boykin [Anke.Boykin@pepsico.com]; Anne Ferguson (AU: Environment) [Anne.Ferguson@environment.gov.au]; annnee@scic.sg; Carol Hochu (CPIA) [chochu@plastics.ca]; CD Industry Co-Chair Ms Shinoi Sakata [ssakata@jcia-net.or.jp]; Christman, Keith [Keith\_Christman@americanchemistry.com]; Clemans, Kate [KClemans@crowell.com]; Crispian Lao (Philippines) [Ex: 6 Personal Privacy (PP)]@gmail.com; Cristian Brito (Environment) [cbrito@mma.gob.cl]; Enrique Vargas (DIRECTEMAR) [evargasg@directemar.cl]; environment@mpma.org.my; Evgenia Kurilenko [e.kurilenko@ciscenter.org]; franv@mpma.org.my; gfernandez@direcon.gob.cl; Greta Tam (HKC) [gretam@epd.gov.hk]; Harris, Stewart [Stewart\_Harris@americanchemistry.com]; Heather Coll (NOAA) [heather.coll@noaa.gov]; hkcapec@tid.gov.hk; Huang, Tracy [THuang@crowell.com]; Sims, JaniceHQ [Sims.JaniceHQ@epa.gov]; Jen Salerno [SalernoJ2@state.gov]; Jill Boughton (WtW) [jboughton@w2worth.com]; Joe Hruska (CPIA) [jhruska@plastics.ca]; joel\_kolam@health.gov.pg; Jorge Guillermo Garcia Manrique (Peru, MFA) [jgarciam@rree.gob.pe]; Kang, Min G [KangMG@state.gov]; Keondra Bills Freemyn [kbillsfreemyn@oceanconservancy.org]; Kirill Shchelchkov [k.shchelchkov@epic.center]; Kirrily.Peters@industry.gov.au; KISHIMURA Kotaro (JPIF) [kishimura@jpif.gr.jp]; Krista Friesen (CAN: Plastics Assn) [kfriesen@plastics.ca]; Laura Strickler [Laura.strickler@noaa.gov]; Yohannes, Lia [Yohannes.Lia@epa.gov]; Luz Pisua (Peru, PRODUCE) [lpisua@produce.gob.pe]; Marion Guay-Arcand (Environment Canada) [Marion.GuayArcand@ec.gc.ca]; mestrada@direcon.gob.cl; Nancy Wallace (US: NOAA) [nancy.wallace@noaa.gov]; Nick Zovko (AU: PACIA) [nzovko@pacia.org.au]; Paula Kennedy (CAN: Foreign Affairs) [Paula.Kennedy@international.gc.ca]; Peter Bury (Director, PACIA, AU) [pbury@pacia.org.au]; Reed, Allison D [ReedAD@state.gov]; Richard Bakewell [bakewellRA@state.gov]; Russell, Steven K. [Steven\_Russell@americanchemistry.com]; MacFarlane, Ryan [RMacFarlane@crowell.com]; Sarah Green (US: MTU) [sgreen@mtu.edu]; Shunji Nakai (JP: JCIA) [snakai@jcia-net.or.jp]; Sri U (MPMA Malaysia) [sriumeswaran@mpma.org.my]; ST Giam [stgiam@mpma.org.my]; Steve Morrison (NOAA) [Steve.Morrison@noaa.gov]; sujata@mpdc.com.my; Susan Ruffo [sruffo@oceanconservancy.org]; Tom Barry (US: NOAA) [tom.barry@noaa.gov]; [Ex: 6 Personal Privacy (PP)]@gmail.com; vmaryev@yandex.ru; Wan Zhen Sen [wanzhen@scic.sg]; Wolff, Dj [DJWolff@crowell.com]; Ximena Alcayaga (DIRECON) [xalcayaga@direcon.gob.cl]  
**CC:** 'Johnny Lin Hung-hsun' [jlhh@apec.org]  
**Subject:** RE: APEC Virtual Working Group on Marine Debris Update  
**Attachments:** APEC Marine Litter Stakeholder Meeting Agenda\_for Invitation\_DRAFT Sep27....pdf; APEC Marine Litter Meeting - 2018 Invitation.pdf

Dear Colleagues,

Please find the attached draft agenda and invitation letter to the upcoming APEC marine debris stakeholder meeting on improving data and coordination and developing new partnerships. Participants may register for the meeting at the following [link](#). Additional logistical information regarding the meeting will be circulated in due course.

Best regards,

Ryan

**Ryan MacFarlane, Ph.D.**

Director

[rmacfarlane@crowell.com](mailto:rmacfarlane@crowell.com)

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**From:** MacFarlane, Ryan

**Sent:** Wednesday, September 19, 2018 7:16 PM

**To:** Alex Chapparro; Alexander Sanzharovskiy; Alexandra Liashik; 'Alfredo Garcia (Peru, PRODUCE)'; 'Andrew Horan (US: EPA)'; 'Andrey Kim (Russia)'; Anke Boykin; 'Anne Ferguson (AU: Environment)'; annnee@scic.sg; Carol Hochu (CPIA); 'Christman, Keith'; Clemans, Kate; 'Crispian Lao (Philippines)'; 'Cristian Brito (Environment)'; 'Enrique Vargas (DIRECTEMAR)'; environment@mpma.org.my; Evgenia Kurilenko; franv@mpma.org.my; gfernandez@direcon.gob.cl; Greta Tam (HKC); Harris, Stewart; Heather Coll (NOAA); hkcapec@tid.gov.hk; 'Huang, Tracy'; Janice Sims (EPA); Jen Salerno; Jill Boughton (WtW); Joe Hruska (CPIA); joel\_kolam@health.gov.pg; 'Jorge Guillermo Garcia Manrique (Peru, MFA)'; Kang, Min G; Keondra Bills Freemyn; Kirill Shchelchikov; Kirrily.Peters@industry.gov.au; KISHIMURA Kotaro (JPIF); 'Krista Friesen (CAN: Plastics Assn)'; Laura Strickler; 'Lia Yohannes (US: EPA)'; 'Luz Pisua (Peru, PRODUCE)'; 'Marion Guay-Arcand (Environment Canada)'; 'Nancy Wallace (US: NOAA)'; 'Nick Zovko (AU: PACIA)'; 'Paula Kennedy (CAN: Foreign Affairs)'; 'Peter Bury (Director, PACIA, AU)'; Reed, Allison D; 'Russell, Steven K.'; MacFarlane, Ryan; 'Sarah Green (US: MTU)'; 'Shunji Nakai (JP: JCIA)'; 'Sri U (MPMA Malaysia)'; 'ST Giam'; Steve Morrison (NOAA); sujata@mpdc.com.my; 'Susan Ruffo'; 'Tom Barry (US: NOAA)'; [REDACTED]@gmail.com; vmaryev@yandex.ru; Wan Zhen Sen; Wolff, Dj; 'Ximena Alcayaga (DIRECON)'

**Cc:** 'Johnny Lin Hung-hsun'

**Subject:** APEC Virtual Working Group on Marine Debris Update

Dear Colleagues,

Please find the attached information regarding the upcoming APEC marine debris stakeholder meeting on improving data and coordination and developing new partnerships. Additional information including an administrative circular and draft agenda will be circulated in due course.

Best regards,  
Ryan

**Ryan MacFarlane, Ph.D.**

Director

[rmacfarlane@crowell.com](mailto:rmacfarlane@crowell.com)

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**From:** MacFarlane, Ryan

**Sent:** Sunday, August 12, 2018 11:01 PM

**To:** Alex Chapparro; Alexander Sanzharovskiy; Alexandra Liashik; Alfredo Garcia (Peru, PRODUCE); Andrew Horan (US: EPA); Andrey Kim (Russia); Anke Boykin; Anne Ferguson (AU: Environment); annnee@scic.sg; Carol Hochu (CPIA); Christman, Keith; Clemans, Kate; Crispian Lao (Philippines); Cristian Brito (Environment); Enrique Vargas (DIRECTEMAR); environment@mpma.org.my; Evgenia Kurilenko; franv@mpma.org.my; gfernandez@direcon.gob.cl; Greta Tam (HKC); Harris, Stewart; Heather Coll (NOAA); hkcapec@tid.gov.hk; Huang, Tracy; Janice Sims (EPA); Jen Salerno; Jill Boughton (WtW); Joe Hruska (CPIA); joel\_kolam@health.gov.pg; Jorge Guillermo Garcia Manrique (Peru, MFA); Kang, Min G; Keondra Bills Freemyn; Kirill Shchelchikov; Kirrily.Peters@industry.gov.au; KISHIMURA Kotaro (JPIF); Krista Friesen (CAN: Plastics Assn); Laura Strickler; Lia Yohannes (US: EPA); Luz Pisua (Peru, PRODUCE); Marion Guay-Arcand (Environment Canada); Nancy Wallace (US: NOAA); Nick Zovko (AU: PACIA); Paula Kennedy (CAN: Foreign Affairs); Peter Bury (Director, PACIA, AU); Reed, Allison D; Russell, Steven K.; Ryan MacFarlane; Sarah Green (US: MTU); Shunji Nakai (JP: JCIA); Sri U (MPMA Malaysia); ST Giam; Steve Morrison (NOAA); sujata@mpdc.com.my; Susan Ruffo; Tom Barry (US: NOAA); [REDACTED]@gmail.com; vmaryev@yandex.ru; Wan Zhen Sen; Wolff, Dj; Ximena Alcayaga (DIRECON)

**Cc:** MacFarlane, Ryan; 'Johnny Lin Hung-hsun'

**Subject:** APEC Virtual Working Group on Marine Debris Update

Dear Colleagues,

On behalf of the Virtual Working Group on Marine Debris I would like to provide the following update regarding work in 2018. A presentation given at the APEC Chemical Dialogue last week is also attached.

### **Cross Fora Collaboration with the APEC Ministry of Finance**

Since 2017 the Virtual Working Group on Marine Debris has been working with APEC economies through the Asia-Pacific Infrastructure Partnership to help create the policy conditions necessary to promote investment in waste management infrastructure and develop a pipeline of bankable waste management projects.

The Asia-Pacific Infrastructure Partnership gathers government officials, senior private sector infrastructure experts, representatives from multilateral development banks and others. Some of the key issues identified thus far include:

- improving capacity to mitigate non-commercial risks and appropriately assigning risk between the public and private sectors;
- strengthening the infrastructure project preparation process;
- creating effective institutional arrangements for internal coordination among government ministries;
- developing robust PPP frameworks; and
- reducing legislative and regulatory uncertainty.

Earlier this year the APEC Finance Ministers Process reached out to ABAC and other groups seeking additional cross-fora collaboration in the area of infrastructure development which is a top priority for Finance Ministers. ABAC officials suggested that the work of the VWG on Marine Debris would be an appropriate work stream to highlight given its focus on waste management infrastructure development and a proposal was sent to APEC Finance Ministers.

APEC Finance Ministers welcomed the proposal at their June meeting (see attached letter) and have invited the VWG on Marine Debris to present at the upcoming Finance Deputies and Central Bank Governors' Meeting on October 16 in Port Moresby, Papua New Guinea. This will be an excellent opportunity to highlight the issue of marine debris to Finance Officials, make the argument for why additional funding is needed, and describe some of the policy barriers that should be addressed to incentivize additional private sector investment.

### **2018 APEC Project**

Earlier this year a [proposal](#) to update the 2009 APEC Report on Economic Costs of Marine Debris to APEC Economies was developed by the United States. The project was approved for APEC funding and is now underway. The project will seek to develop an updated report on the economic impacts of marine debris to include a cost/benefit analysis and policy recommendations. The report is expected to include:

- Identification of high leakage areas
- Contribution of the marine economy sector to APEC economies
- Economic impact of marine debris and insufficient waste management
- An inventory and evaluation of technologies and solutions to address marine debris and waste management
- Case studies and recommendations

The near term objectives of the project are to:

- Increase the priority of marine debris and waste management



- Improve coordination between marine and ocean ministries and ministries of environment

The medium and longer term objectives of the project are to:

- Increase the number of APEC economies that incorporate marine debris considerations into solid waste management plans and waste management into marine and coastal plans
- Promote the development of new partnerships and initiatives to address marine debris.

The APEC project will also include an in person meeting. The dates are tentatively scheduled for November 2 – 3, 2018 in Bali, Indonesia. Invitations will be circulated to the VWG on Marine Debris in due course.

#### **Expansion of the VWG on Marine Debris Network**

One of the objectives of the proposed APEC workshop November 2 – 3 is to develop a network of engaged officials working on marine debris in APEC economies. The intention is to include these officials in future VWG correspondence and augment the existing network. We also intend to have more regular communication with the expanded network after the meeting in November.

#### **Advancing Implementation of Policy and Practice Recommendations**

One of the primary areas of work for the VWG on Marine Debris is to advance implementation of the 2016 Policy and Practice Recommendations, improve the ability of governments to engage in public-private partnerships, and develop a pipeline of bankable projects. In support of this work a follow-up meeting to the Asia-Pacific Infrastructure Partnership (APIP) meeting in 2017 Indonesia is being planned. This meeting intends to include municipal as well as national level officials and aims to develop a toolkit for officials to help with project preparation and improve the bankability of projects.

Should you have any questions please don't hesitate to reach out.

Best regards,  
Ryan

**Ryan MacFarlane**

Director

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Message

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**From:** West, Jay [Jay\_West@americanchemistry.com]  
**Sent:** 10/22/2019 3:27:49 PM  
**To:** Shardul.AGRAWALA@oecd.org  
**CC:** Peter.BORKEY@oecd.org; Frithjof.LAUBINGER@oecd.org; Elisabetta.CORNAGO@oecd.org; Eva.BARTEKOVA@oecd.org; Elena.BUZZI@oecd.org; Gita.KOTHARI@oecd.org; Natalie.LIMBASAN@oecd.org; Justine.GARRETT@oecd.org; 'Aziza.PERRIERE@oecd.org' [Aziza.PERRIERE@oecd.org]; Adler, Adina [aadler@isri.org]; stina.andersson@regeringskansliet.se; stephane.arditi@eeb.org; rsinem.atgin@csb.gov.tr; dazoulay@ciel.org; rbartley@bir.org; sofie.bouteligier@ovam.be; gbracho@sre.gob.mx; dacdevocd@sre.gob.mx; Collot, Anne-Gaelle [anne-gaelle.collot@plasticseurope.org]; gael.de-rotalier@ec.europa.eu; ece.dinsel@csb.gov.tr; Harriet.Drake@defra.gov.uk; nicolas.encausse@developpement-durable.gouv.fr; michael.ernst@bmu.bund.de; peter.frijns@minienw.nl; hehei@mst.dk; anije@mst.dk; ecihan.kavlak@csb.gov.tr; KUMMERLE@biac.org; melisa.lim@brsmeas.org; ylva.linden@naturvardsverket.se; sonja.loew@bmnt.gv.at; Gernot.lorenz@bmnt.gv.at; cecilia.mattsson@naturvardsverket.se; patrick.mckell@defra.gov.uk; jmeijer@mma.gob.cl; Nicole.Mohammed@defra.gov.uk; andreas.moser@bmnt.gv.at; SEIKA\_SANNO@env.go.jp; nazli.yenal@csb.gov.tr; NIELSEN@tuac.org; kei.ohno@un.org; simlaoz@mfa.gov.tr; dana.peterson@mfe.govt.nz; else.peuranen@ym.fi; Picardi, Rick [Picardi.Rick@epa.gov]; jpuckett@ban.org; gregrep1986@icloud.com; sakamoto@exri.co.jp; halime.sezer@csb.gov.tr; lauren.c.stowe@ustr.eop.gov; toru\_terai@env.go.jp; namil-um@korea.kr; williams@state.gov; yuji.yamaguchi@mofa.go.jp; Yohannes, Lia [Yohannes.Lia@epa.gov]; rickz1@me.com; Bernier, Sophie (EC) [sophie.bernier@canada.ca]; Montazer-Hojat, Somayyeh (EC) [somayyeh.montazer-hojat@canada.ca]; Dube, Maxime (EC) [maxime.dube@canada.ca]  
**Subject:** RE: Comments from Canada on the Draft summary record of the First meeting of the Ad Hoc Task Team on the Basel Convention  
**Attachments:** ATT00001.txt

Dear Shardul,

The BIAC group on the Task Team agrees with the comments from Canada. We would also like to suggest an additional edit to the "Additional issues identified" paragraph in Section 5:

Task Team members identified a need for additional information and data to support their discussions and suggested that this information and data should be requested from OECD Members and stakeholders through WPRPW. The European Union emphasized ~~Some Task Team members considered~~ that there is currently insufficient information about both waste-related regulations and capacities in OECD Members, and that filling this information gap could play a crucial role in advancing negotiations in the group.

Thank you,

*Jay West | American Chemistry Council*  
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**From:** Dube, Maxime (EC) [mailto:maxime.dube@canada.ca]  
**Sent:** Friday, October 18, 2019 3:08 PM  
**To:** Shardul.AGRAWALA@oecd.org  
**Cc:** Peter.BORKEY@oecd.org; Frithjof.LAUBINGER@oecd.org; Elisabetta.CORNAGO@oecd.org; Eva.BARTEKOVA@oecd.org; Elena.BUZZI@oecd.org; Gita.KOTHARI@oecd.org; Natalie.LIMBASAN@oecd.org; Justine.GARRETT@oecd.org; 'Aziza.PERRIERE@oecd.org' <Aziza.PERRIERE@oecd.org>; Adler, Adina <aadler@isri.org>; stina.andersson@regeringskansliet.se; stephane.arditi@eeb.org; rsinem.atgin@csb.gov.tr; dazoulay@ciel.org; rbartley@bir.org; sofie.bouteligier@ovam.be; gbracho@sre.gob.mx; dacdevocd@sre.gob.mx; Collot, Anne-Gaelle <anne-gaelle.collot@plasticseurope.org>; gael.de-rotalier@ec.europa.eu; ece.dinsel@csb.gov.tr;

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**Subject:** Comments from Canada on the Draft summary record of the First meeting of the Ad Hoc Task Team on the Basel Convention

Dear Shardul Agrawala,

Thank you very much for preparing the draft summary record of the first face-to-face meeting of the Ad Hoc Task Team further to the Objection to Incorporation of Amendments to the Basel Convention into the OECD Decision on Transboundary Movements of Waste destined for Recovery Operations.

Upon review of the draft document, we noticed that important points raised by members during the meeting were not reflected in the report. Accordingly, we would respectfully suggest changes to the summary record as follows (in red):

Section 5. Discussion on selected topics

(...)

*Data availability on trade in plastic waste and capacity to manage such wastes*

Task Team members noted that when the Basel Amendments and modifications to the OECD Appendices come into force, this could result in significant shifts of trade flows of plastic waste, with the potential risk of straining waste management capacities in some importing OECD countries. The possibility of introducing a monitoring system for plastic waste flows between adherents to the OECD Decision was considered a useful tool to identify and assess potential issues.

In this context, the Secretariat presented a stocktake of available data sources that a monitoring system could draw on, and UNEP presented available information within the Basel Convention. Several Task Team members considered it crucial to maintain discussions on such a monitoring framework in parallel to the development of a proposal on amending Appendices 3 and 4. Several Task Team members also considered that collection of this information should not delay the Task Team's primary task in delivering a proposal on the integration of the Basel amendments to the WPRPW for its February meeting. Data could be collected in support of the decision at a later stage, and not necessarily before the task team concludes its mandate. The Secretariat also noted that consideration could be given to re-activating information requirements already provided for under the OECD Decision for specific points listed under Appendix 7.

Section 6. Other issues

While most of the issues raised were directly related to modifying Appendices 3 and 4 as per the mandate of the Task Team, some also revolved around the implementation of the OECD Decision in a broader sense. Some Task Team members expressed the view that there is currently limited information on how the Decision is implemented in OECD Member Countries (e.g., the use of control procedures, in particular the accelerated procedure for pre-consented facilities; the application of Specific National Control procedures; and the Environmentally Sound Management of waste) both in relation to plastic waste, and more generally.

The Secretariat explained that besides modifications to Appendices 3 and 4, the Task Team could develop a broader set of recommendations relating to the OECD Decision for consideration by WPRPW. The meeting Secretariat suggested that a review of the implementation of the Council Decision may be a helpful first step in this respect. Several Task Team members expressed the view that this topic is outside the mandate of the Task Team, and therefore did not agree to commit to review the implementation of the Council Decision.

Best regards,

Maxime Dubé, Canadian member of the Task Team

---

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**Sent:** 7 October 2019 6:35

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**Subject:** Draft summary record of the First meeting of the Ad Hoc Task Team on the Basel Convention

**Importance:** High

*Message from Shardul AGRAWALA, Head of Environment and Economy Integration Division, OECD Environment Directorate*

**To:** Members of Ad-hoc Task Team on the Basel Convention  
Observers of Ad-hoc Task Team on the Basel Convention

Dear Task Team members,

Please find attached a draft summary record of the first face-to-face meeting (19-20 September) of the Ad Hoc Task Team Further to the Objection to Incorporation of Amendments to the Basel Convention into the OECD Decision on Transboundary Movements of Waste destined for Recovery Operations ([OECD-LEGAL-0266](#)).

Task Team members are invited to provide comments to this draft **by 21 October 2019**.

The List of participants is also attached for reference.

The final version of this document will be shared with Task Team members and members of the Working Party on Resource Productivity and Waste (WPRPW).

Kind regards,

**Shardul  
Agrawala**  
Head of the  
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## Position for implementation of Basel amendments in the OECD Decision- PlasticsEurope recommendations

September 2019

PlasticsEurope is the leading pan-European association representing a network of plastics manufacturers. We represent more than 100 member companies, producing over 90% of all polymers across the EU28 member states plus Norway, Switzerland and Turkey. The European plastics industry already makes a significant contribution to the welfare in Europe by enabling innovation, creating quality of life to citizens and facilitating resource efficiency and climate protection.

Whatever its origin, plastic waste in any environment is unacceptable therefore the plastic industry is fully committed to find solutions to plastic pollution and continuing global collaborative partnerships to tackle the problem at source. CEOs from our industry have launched an unprecedented effort to help end plastic waste in the environment. Working with leading consumer goods, recyclers and waste management sector, the Alliance to End Plastic Waste (AEPW), has committed \$1.5B over the next five years to seed and leverage investments in waste management infrastructure.<sup>1</sup>

The European plastics industry is working to improve the circularity of plastics in order to phase out landfilling thus marking the transition to a Circular Economy. The plastics value chain is currently developing new technologies to deliver solutions to a waste-free future. Therefore, the private and public sector must work together and provide effective waste management systems and infrastructure, including new business models. The aforementioned actions will create a value for used plastics thus providing a stronger economic incentive to avoid plastic leakage into the environment. With that in mind, PlasticsEurope, the World Plastics Council and other plastic industry associations have applied to become members of the new Basel Convention Partnership on Plastic Waste.

Transboundary movement of plastic waste is important to achieve an economically efficient recovery of that waste and therefore increase recycling rates. Therefore:

- \* **Only countries with a track record of Environmentally Sound Management (ESM) of waste combined with the available technologies and processing capacities should be allowed to continue transboundary import of plastic waste.** This will allow waste shipments to be recoverable (e.g. to be used for feedstock recycling) without barriers. As the OECD countries meet the aforementioned requirements, retaining an OECD and intra-EU barrier-free trade regime will enable a Circular Economy in these developed economies while promoting innovation in technologies such as chemical recycling.
- \* **Industry supports efforts in building capacity and the provision of additional resources to enhance enforcement in line with the ESM in the Basel Convention to prevent illegal waste shipments.** OECD countries might want to consider the establishment of an OECD reporting scheme on waste shipments controls/inspections in support of such efforts OECD countries should demonstrate their ability to enforce cross boundary waste shipment laws.
- \* **It is also important to harmonise the terminology used in the Basel Convention and the OECD Decision to reduce complexity for regulators, competent authorities and industry and enhance implementation, while keeping the lighter OECD control measures in place.**

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<sup>1</sup> For more information, visit the websites of Marine Litter Solutions, Operation Clean Sweep® and the Alliance to End Plastic Waste.

We therefore recommend that the OECD Decision be amended as follows, to:

1. **Harmonise the terminology with the Basel Convention:** The new B3011 listing (not subject to control) under the Basel Convention, including those exceptions listed under Annex IX under of the Basel Convention should replace the current B3010 listing under the OECD Green Control procedure, thereby harmonising the terminology between the two regimes and thus facilitating implementation.
2. **Enable a Circular Economy in OECD countries while promoting innovation:** the new Y48 category of the Basel Annex II (i.e., wastes requiring special consideration) should be included under the OECD Appendix 3: LIST OF WASTES SUBJECT TO THE GREEN CONTROL PROCEDURE. The creation of the Y48 category aims at reducing marine litter. Including the Y48 category under the green listing would precisely serve this purpose, by enabling OECD members to trade plastics for recycling and recovery.
3. **Control trade of hazardous plastic waste:** New entry A3210 (hazardous plastic waste) in Annex VIII (hazardous) to the Basel convention should be copied identically into the OECD Appendix 4: LIST OF WASTES SUBJECT TO THE AMBER CONTROL PROCEDURE, Part I (list of waste subject to the Amber procedure).

In addition, the OECD should consider:

- Exploring the option to include a mechanism inviting non-OECD members to join the Decision for purposes of imports into the OECD only. This could be limited to mixed plastic waste or possibly include broader waste-streams. It would enable countries such as the Less Developed Countries to find a solution for managing (mixed) plastic waste for which they currently have no recycling or recovery capacity. At the same time, such an approach would help enable innovation for chemical recycling technologies in OECD countries, thereby accelerating a Circular Economy.
- Developing guidelines to clarify new terminology introduced in the Basel Convention such as “almost free from contamination” in B3011 of annex IX of the Basel Convention. This is important to prevent legal uncertainty and ensure harmonisation of implementation.

We have specific comments with regards to PVC and fluoropolymers (see appendix for more detailed information):

- PVC should remain green listed in the OECD Appendix 3: LIST OF WASTES SUBJECT TO THE GREEN CONTROL PROCEDURE, Part II as GH013. There is no valid reason for omitting to add PVC to the Basel entries B3010 and B3011. PVC is an inert polymer which can be recycled several times, thanks to its polymer structure which withstands recycling while keeping its key physical properties. More information can be found in our Appendix below.
- Polymers and co-polymers of fluorinated ethylene such as PTFE have for no good reasons been omitted in the current Basel 3010 entry since those are non-hazardous. The OECD point (f) in part I of Appendix 3: LIST OF WASTES SUBJECT TO THE GREEN CONTROL PROCEDURE should be kept as is i.e. “The reference in Basel entry 3010 and Basel entry 3011 to fluorinated polymer waste shall be deemed to include polymers and co-polymers of fluorinated ethylene (PTFE)”.

## Appendix

### 1. PVC

The feasibility of PVC recycling is demonstrated by increased quantities of recycled PVC, amounting to almost 740,000 tonnes in 2018 in Europe and 5 million tonnes in total over the past 18 years. Quality control is defined by European norms and standards, such as EN 15343 (Plastics - Recycled Plastics - Plastics recycling traceability and assessment of conformity and recycled content); EN 15346 (Plastics — Recycled plastics — Characterization of PVC recyclates; CEN/TS 16010 (Plastics - Recycled plastics — Sampling procedures for testing plastics waste and recyclates) and CEN/TS 16011 (Plastics - Recycled plastics — Sampling preparation).

### 2. Fluoropolymers

Reference is made to the article “A critical review of the application of polymer of low concern and regulatory criteria to fluoropolymers” herewith attached (<https://doi.org/10.1002/ieam.4035>):



Henry et al 2018.pdf

See also: Neues PTFE Recyclingverfahren erhaelt Materialeigenschaften vollstaendig

Klaus Hintzer and Hans Guenther Beckers

Gummi Fasern Kunststoffe GAK 12/2011 Volume 64, Page 727

#### Answers to questions in Appendix 6 of the OECD Decision:

1. PTFE meets the OECD criteria for a polymer of low concern; it is not hazardous. In support of this statement, we reference Henry et al., A Critical Review of the Application of Polymer of Low Concern and Regulatory Criteria to Fluoropolymers, Integrated Environmental Assessment and Management, Volume 14, Number 3, pp. 316-334 (2018).

2. A significant amount of PTFE scrap is classified as a by-product, and is sold to third parties.

3. PTFE by-product is typically a solid article (e.g. a membrane, tube or tape).

4. We are unaware of any spills of PTFE, but clean up in the case of a spill should be relatively easy, because PTFE is an inert solid.

5. We do not have a significant amount of information regarding the scrap PTFE market. But based upon experience, we believe the value of the PTFE by-product is and will continue to be high.

6. Yes. We believe several companies have the capability to turn scrap PTFE into micro-powders on a commercial scale today, and one of PlasticsEurope's Member Companies, Dyneon, has proven the technical capability of de-polymerizing PTFE to recover the TFE monomer for re-polymerization.

7. We know of no adverse history from the transboundary movement of scrap PTFE or of its recovery operations.

8 & 9. Typically, international movement of PTFE by-product is done via commercial classification. For instance, within the Gore group of companies this is supported by transfer agreements.



10. Typically, PTFE by-product is separated from PTFE waste in our production facilities by physical sorting. The PTFE waste, which is not subject to re-use or recycling, is sent for energy recovery, incineration and/or landfill, depending on the country where manufacturing takes place.

11. The environmental benefits from PTFE recovery operations represent a step towards a circular economy and include: more durable products and components of products, less waste sent to landfill, less waste sent to incineration, and reduction in the need for production of virgin material.

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**Subject:** APEC Virtual Working Group on Marine Debris Update

**Attachments:** ABAC-APFF-APIP-HKGCC Conference Summary Report DRAFT.PDF; DRAFT Compendium of Preventative Measures and Policies.pdf

Dear Colleagues,

There is much to report in terms of marine debris and waste management activities within APEC. The Virtual Working Group on Marine Debris provided presentations at the recent APEC Chemical Dialogue, Ocean and Fisheries Working Group and Policy Partnership on Science, Technology and Innovation meetings. An example presentation may be found: [here](#)

As part of our efforts to help coordinate and share information on related activities throughout APEC, please find a summary below of recent meetings and initiatives.

### **APEC Ministerial Meeting on Food Security**

APEC Food Security Ministers met on the margins of the SOM3 meetings in Puerto Varas, Chile. In their statement they urged economies to work together to implement measures to manage and prevent marine debris, including innovative sustainable waste management systems. The full statement may be found: [here](#)

### **APEC Roadmap on Marine Debris**

The APEC Roadmap on Marine Debris was endorsed by relevant APEC working groups and welcomed by APEC Food Security Ministers. It establishes a common vision and outlines key priorities including policy development and coordination; capacity building; research and innovation; and financing and private sector engagement. Chile has identified marine litter as a top priority for their 2019 APEC host year and the roadmap will likely join illegal, unreported, and unregulated fishing and women's economic empowerment as leader-level deliverables for 2019.

### **APEC Ocean and Fisheries Working Group (OFWG)**

There are a number of current and planned initiatives on marine debris as well as information that was presented at the Ocean and Fisheries Working Group meeting in Puerto Varas, Chile August 20-21. The following represents a brief summary of those initiatives and presentations.

#### **Updates on current APEC funded projects**

Chile presented on an APEC workshop on promoting "trade of products that replace those with mercury to reduce marine pollution" which was held from July 9 – 11 in the city of Viña del Mar, Chile. The purpose of the

workshop was to build technical capacity on the risks of mercury to human health and the marine environment (OFWG 02 2018A).

Dr. Alistair McIlgorm and Dr. Karen Raubenheimer from the University of Wollongong presented on the United States project “Update of the 2009 APEC Report on Economic Costs of Marine Debris to APEC Economies.” The report is attempting to 1) determine the approximate value of the marine sector to APEC economies; 2) estimate the costs to the shipping, fishing, and tourism sectors; 3) identify major marine debris “hot spots” that may benefit from targeted interventions; 4) identify policy levers and recommendations which will be matched to the relevant 2016 APEC Policy and Practice Recommendations (PPRs); and 5) identify relevant case studies. Some of the initial case studies include those focusing on inter-ministerial cooperation; applications to help recyclers; and control programs such as river traps. The final report is due in December and additional findings are likely to be presented in November. The presentation may be found: [here](#) (OFWG 01 2018A)

#### Discussion of new projects

Malaysia described a new project proposal that aims to build capacity and awareness to shift from a linear economy towards a “New Plastic Economy” using circular economy concepts. It recognizes that most plastics are valuable waste materials and there are various processes such as cold plasma pyrolysis that make it possible to convert plastics directly into useful forms of energy and chemicals. For this project circular economy is defined as an effort to keep resources in use for as long as possible, extract maximum value from them, and then recover and regenerate products and materials at the end of their service life to reduce waste going to landfill. A two day conference is planned for August 2020, outcomes may include recommendations regarding circular economy, alternative energy and resource recovery as new solutions to plastic pollution. Topics such as packaging, plastic to energy, biomass circular economy models and others will be addressed. The information will be used in the development of an APEC Circular Economy Roadmap. The presentation may be found: [here](#)

China described plans for an APEC Workshop on Marine Debris and Microplastics and Workshop on Sustainable Utilization of Marine Resources which was held in Xiamen, China September 25 – 27, 2019. The presentation may be found: [here](#)

Japan introduced a new project, to be proposed in project session 1 in 2020 “Good Practice and Innovative Workshop for Marine Debris Prevention and Management in the APEC Region.”

Jenna Jambeck from the University of Georgia presented on the United States project “APEC Clean City and Urban Initiative.” The project seeks to assess the circularity of a city by collecting real-world data. The project is being conducted in Santiago and San Antonio, Chile. Data will be collected on inputs, consumer awareness, product design, use, collection, end of life and leakage. A final report is expected in summer 2020. The presentation may be found: [here](#).

#### Marine Debris Presentations

The APEC Policy Support Unit described their project to create a compendium of preventive measures and policies that APEC economies are taking to reduce land-based marine debris. The study looks at how economies regulate waste management; monitor marine litter; develop incentives schemes and other policies. The proponents have received inputs from Chile, China, Japan, Korea, New Zealand, Peru, and Singapore. The draft report is attached.

Chinese Taipei described public-private partnerships to develop a marine debris map and beach clean-ups. They also described efforts to gradually reduce the use of certain products including those containing mercury. The full report may be found: [here](#).

Chinese Taipei also presented on their new Marine Debris Governance Platform established in 2017 followed by an action plan developed in 2018. The action plan includes:

- Source reduction (e.g. restriction on products that contain microbeads) and working with industry to increasing recycling;

- Prevention and removal: to effectively remove debris from hotspots and prevent waste from entering the ocean;
- Research: to monitor pollution along coastline; and
- Outreach and public participation: to increase public participation; increase coordination between stakeholders; and improve marine environment education beginning with early education.

Chinese Taipei also described a new fishing gear recycling program that involved multiple government agencies (COA, EPA, MOEA) and stakeholders and a new chemical recycling technology which results in high quality material for reuse in other applications. The full presentation may be found: [here](#)

Australia's national science research agency (Commonwealth Scientific and Industrial Research Organisation - CSIRO) presented on their [marine debris research program](#). The program looks at the sources and drivers; dynamics and distribution; impacts on wildlife, humans, and the economy; as well as management responses to marine debris. The global leakage project was described which seeks to quantify the amount of debris found on land in cities around the world, ascribe hard numbers to estimates of the mismanaged waste entering the ocean, and identify areas for action and those actions likely to be successful. The presentation may be found: [here](#)

The Ocean Conservancy noted the various projects they are involved with including arctic protection; sustainable fisheries; cleans coasts; ocean acidification; smart ocean planning; and ecosystem restoration. The international coastal cleanup is now in its 33<sup>rd</sup> year and has collected over 300 million pounds of trash. Uncollected waste represents 75% of the waste that is leaked into the ocean. A full range of solutions will be required including improved waste management infrastructure, increased recycling, and reduction in the amount of lost fishing gear. Ocean Conservancy is engaging with the private sector and local governments, working with groups like Circulate Capital to increase funding and supporting basic science and monitoring. The presentation may be found: [here](#)

The Nature Conservancy described some of their collaborative approaches for marine debris management including a project in Indonesia's Wakatobi National Park which includes a waste characterization study, environmental education on waste management for elementary school children, eco-brick training to manage plastic waste, and organic waste composting. An initiative involving the California Dungeness Crab Fishery to recover lost fishing gear was also described. The presentation may be found: [here](#).

### **APEC Workshop on Understanding and Addressing Marine Debris Impact in the APEC Region**

Chile collaborated with the United States to hold a workshop on August 22, in Puerto Varas, Chile examining the social, environmental and economic impact of marine debris on APEC economies. Chile's Chair of the APEC Senior Official process, Mathias Francke provided opening remarks noting the importance of the marine debris issue for Chile's host year. The United States provided an overview of domestic and international marine debris issues (presentation may be found: [here](#)). The APEC study on understanding the economic benefits of and costs of controlling marine debris in the APEC region was discussed (presentation may be found: [here](#)). Australia's CSIRO presented on the impacts of plastic waste on fish stocks and regional fisheries (presentation may be found: [here](#)). The work of the Global Ghost Gear initiative was presented (presentation may be found: [here](#)). There were also presentations from a company (Bureo) that recycles fishing nets into consumer products (presentation may be found: [here](#)) and a presentation from the Universidad Católica del Norte and the Universidad de Concepción on aquaculture and marine debris (presentation may be found: [here](#)).

### **Committee on Trade and Investment**

The United States has developed a project proposal under APEC's Committee on Trade and Investment that seeks to support the APEC Marine Debris Roadmap. The project aims to develop the capacity of APEC economies to identify and frame domestic policies that promote waste management and recycling infrastructure, as well as markets for sustainable materials. It would look at best practices across APEC economies in supporting environmental regulation, enabling legal definitions of waste and recyclable materials, standards, and investment policies. The draft proposal may be found: [here](#)

### **APEC Chemical Dialogue**

Several relevant projects were presented at the APEC Chemical Dialogue on August 25.

Japan's Chemical Industry Association (JCIA) presented on the JaIME (**J**apan **I**niative for **M**arine **E**nvironment) which involves 47 companies and associations and 3 supporting associations and looks to engage in outreach efforts to support plastic waste management and promote research and scientific capacity building. The first training seminar is planned for February, 2020 and will address material flow analysis to help economies better model the composition of waste and evaluate material management performance. Participants from the ASEAN Federation of Plastic Industries will be included. JaIME will also support research on the effectiveness of energy recovery technologies, chemical recycling, and life cycle assessments. The presentation may be found: [here](#)

Japan's Ministry of Economy Trade and Industry (METI) presented data on marine litter outflows from Japan, the plastics recycling situation in Japan, voluntary efforts undertaken by industry, as well as outcomes from relevant G20 meetings this year. The "MARINE – **M**anagement of waste, **R**ecovery of marine litter, **I**nnovation, and **E**mpowerment" initiative was described. The initiative will include bilateral development assistance through international organizations including training for 10,000 waste management officials by 2025; the export of waste management related technologies and facilities; and the development of a "regional knowledge center on marine plastic debris" within ASEAN. The Clean Ocean Material Alliance (CLOMA) was also described. The presentation may be found: [here](#).

#### **Policy Partnership on Science, Technology and Innovation**

Chinese Taipei presented a concept note "APEC Sustainable Plastics Eco System – Best Practice Sharing on Business Model Innovation and Technologies Implementation" which is being submitted through the Policy Partnership on Science, Technology and Innovation (PPSTI). The project aims to help APEC member economies build profitable business models to attain sustainable growth through development of a regional cluster of relevant stakeholders involved in turning plastic waste into consumer goods by applying innovative technical processes, connecting people and providing capacity building. The presentation may be found: [here](#)

#### **SOM Steering Committee on ECOTECH**

Japan has proposed an "initiative for realizing sustainable cities focusing on improvement of resource circulation and waste management." The initiative will help two cities in APEC utilize a previously developed APEC [guidebook](#) to evaluate various waste management solutions. A workshop is planned for Malaysia in 2020 to help further disseminate best practices in choosing appropriate technologies for waste management.

#### **APEC Business Advisory Council (ABAC)**

The APEC Business Advisory Council has identified circular economy and infrastructure development as key priorities. A conference on "Building the Infrastructure for the Circular Economy in APEC" was held on September 9 and brought together key stakeholders and experts from government, business, academia and multilateral institutions to support the development of a pipeline of bankable projects that can attract private sector investment and support the transition to a more circular and resource efficient economy. A draft summary report of the conference is attached.

#### **APEC Press Release**

Chile issued a press release through the APEC Secretariat regarding the work on marine debris this year. The full release may be found: [here](#)

#### **APEC Website**

An APEC website will be developed to share information regarding marine debris activities. More information will be shared regarding this website in due course.

**Additional Information**

If you are interested in additional information, have questions, or would like to be added or removed from the distribution please reach out to Ryan MacFarlane at ([rmacfarlane@crowell.com](mailto:rmacfarlane@crowell.com)). As the distribution is quite large please consider carefully before “replying all” to any messages.

**Ryan MacFarlane, Ph.D.**

APEC VWG on Marine Debris Coordinator

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## BASEL CONVENTION

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26 October 2018

**Subject: Proposals to amend annexes II, VIII and IX of the Basel Convention to be considered at the fourteenth meeting of the Conference of the Parties**

Dear Madam/Sir,

The purpose of this letter is to communicate to the Parties and the signatories to the Basel Convention the text of amendments to annexes II, VIII and IX of the Convention proposed by Norway.

The proposals will be considered at the fourteenth meeting of the Conference of the Parties, which is scheduled to take place from 29 April to 10 May 2019. The letter is being sent in accordance with paragraph 2 of Article 17 and paragraph 2 (a) of Article 18 of the Convention, which provide that the text of any proposed amendment to the annexes of the Convention “shall be communicated to the Parties by the Secretariat at least six months before the meeting at which it is proposed for adoption”.

Annex I to this letter sets out the proposals to amend annexes II, VIII and IX of the Convention. Annex II sets out the text (in English) of an explanatory note submitted by Norway on the proposed amendments.

To facilitate discussion at the fourteenth meeting of the Conference of the Parties, Parties are invited to submit to the Secretariat and to the Government of Norway any comments relating to the amendment proposals by **31 December 2018**. The Secretariat will provide the Conference of the Parties with a compilation of any comments submitted. Please send your comments, preferably by e-mail, to:

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**To: Basel Convention focal points**

**Cc: Permanent missions to the United Nations Office at Geneva**

**Basel Convention competent authorities**

**Depositary of the Convention, United Nations Office of Legal Affairs**



Should you require additional information or clarification, please do not hesitate to contact the Secretariat.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'R. Payet', written over a horizontal line.

Rolph Payet  
Executive Secretary of the Basel Convention

## Annex I

### Proposals by Norway to amend annexes II, VIII and IX of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal

#### Annex II

Proposal for a new entry:

**Y 48** Plastic waste not covered by entry AXXXX of Annex VIII or B3010 of Annex IX.

#### Annex VIII

Proposal for a new entry:

##### **AXXX Plastic waste**

Plastic waste containing or contaminated with Annex I constituents to an extent that they exhibit an Annex III characteristic (note the related entry on list B B3010)

#### Annex IX

Proposal for a new text to replace the existing chapeau of the entry, the existing indents and sub indents to remain unchanged:

##### **B3010 Plastic waste:**

The plastic materials listed below, provided they are not to an extent which prevents the recovery of the waste in an environmentally sound manner, mixed with each other, mixed with other wastes<sup>1</sup> or contaminated<sup>2</sup>. Consignments of such plastic material should be prepared to a specification and suitable for immediate recycling requiring only minimal further mechanical preparatory treatment processes, if any (note the related entry on list A AXXXX):

- Scrap plastic of non-halogenated polymers and co-polymers, including but not limited to the following:

- ethylene
- styrene
- polypropylene
- polyethylene terephthalate
- acrylonitrile
- butadiene
- polyacetals
- polyamides
- polybutylene terephthalate
- polycarbonates
- polyethers
- polyphenylene sulphides
- acrylic polymers

<sup>1</sup> Mixed with other wastes means waste that result from an intentional or unintentional mixing of two or more different wastes.

<sup>2</sup> Contamination may comprise:

- non-recyclable material, e.g. nappies, rubble, dog waste;
- non-targeted material, e.g. plastic packaging included in 'plastic bottles only' collections; or
- targeted materials contaminated with unwanted items, e.g. dirt, stones, food-contaminated cardboard or plastic bottles containing liquids.

- alkanes C10-C13 (plasticiser)
- polyurethane (not containing CFCs)
- polysiloxanes
- polymethyl methacrylate
- polyvinyl alcohol
- polyvinyl butyral
- polyvinyl acetate

- Cured waste resins or condensation products including the following:

- urea formaldehyde resins
- phenol formaldehyde resins
- melamine formaldehyde resins
- epoxy resins
- alkyd resins
- polyamides

- The following fluorinated polymer wastes:

- perfluoroethylene/propylene (FEP)
- perfluoro alkoxyl alkane
- tetrafluoroethylene/per fluoro vinyl ether (PFA)
- tetrafluoroethylene/per fluoro methylvinyl ether (MFA)
- polyvinylfluoride (PVF)
- polyvinylidene fluoride (PVDF)

## Annex II

### Explanatory note by Norway on the proposed amendments

**Norway proposes to amend Annexes II, VIII and IX of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal. The proposal consists of a new entry Y48 in Annex II, a revised entry B3010 in Annex IX, and as a consequence of these two amendments, a new entry AXXXX in Annex VIII. With our proposal plastic waste will fall into three categories under the Basel Convention – single polymer uncontaminated plastic waste, plastic waste requiring special consideration, and hazardous plastic waste, the two latter categories falling under the prior informed consent procedure.**

By transmission 2 June 2018 Norway submitted an application for the amendment of Annex IX to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal for consideration by the 11<sup>th</sup> session of the OEWG. The application concerned the removal of the waste category B3010 from list B of Annex IX. Norway equally signaled its intention to propose the addition of a new entry in Annex II covering plastic waste. Further explanation of the rationale and context for the Norwegian proposals is reflected in the addendum to the proposal contained in document UNEP/CHW/OEWG.11/INF36. The OEWG-11 decided the following:

*The Open-ended Working Group*

1. *Takes note* of the proposed amendment to Annex IX to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal submitted by the Government of Norway for consideration by the Conference of the Parties at its fourteenth meeting;<sup>1</sup>
2. *Recommends* that the Conference of the Parties consider at its fourteenth meeting whether to amend entry B3010 on solid plastic waste in Annex IX to the Convention and, if so, in what form;
3. *Takes note* of the intention of the Government of Norway to submit a proposal to amend Annex II to the Convention for consideration by the Conference of the Parties at its fourteenth meeting.

Norway believes that in order to address the global challenge of marine litter there is a need to better control transboundary shipments of plastic waste. The Basel Convention and its prior informed consent procedure has been designed to enhance the control of transboundary waste shipments. It supports the establishment and implementation of national export and import policies and empowers importing countries to manage their imports and ensure that environmental standards are met. However, the discharge of non-hazardous solid plastic waste into the environment causes problems globally in the form of marine litter and microplastics. This merits treating plastic waste as a category of waste requiring special consideration and listing it as a category of "other wastes" in Annex II.

Norway has submitted a revised proposal for amendments of Annexes II, VIII and IX of the Convention. These amendments are interdependent and should be considered in conjunction and treated as three distinct elements of the same proposal.

The proposal:

- 1) Further clarifies the criteria for when solid plastic waste in entry B3010 of annex IX does not trigger the prior informed procedure, and
- 2) Establishes a new category Y48 to be included in Annex II. This will trigger the prior informed consent procedure for that category, according to the Convention Article 1, paragraph 2 and Article 6, paragraph 1. Norway proposes that the scope of this category is negatively defined to cover solid plastic waste not covered by B3010 in Annex IX.
- 3) Establishes a new entry AXXXX in Annex VIII for plastic wastes containing or contaminated with Annex I constituents to an extent that they exhibit an Annex III characteristic.

The proposed amendments aim to clarify the distinction between hazardous plastic waste already covered by the PIC procedure, problematic streams of plastic waste that should be made subject to the prior informed procedure (Annex II-waste), and uncontaminated, pre-sorted plastic materials for recycling, prepared to a specification and suitable for immediate recycling. The latter group are less likely to pose environmental risks as a result of transboundary movements and therefore may continue to proceed without applying the convention prior informed consent procedures.

The proposal promotes the trade for recovery of uncontaminated and sorted plastic waste streams and incentives the environmentally sound management of plastic wastes limiting the plastic waste that ends up in the marine environment.

The core of the proposal is the new text for the chapeau of the entry B3010 of Annex IX.

Firstly, it limits the application of B3010 to plastic waste for recovery. Secondly, it clarifies that the plastic waste may only be mixed or contaminated to an extent that does not prevent its environmentally sound management. Thirdly, it sets out requirements on the extent to which the waste must be prepared for recycling. Plastic waste not fulfilling the requirements of B3010 will fall under a new entry Y48 of Annex II triggering the PIC procedure. In order to avoid misunderstandings, a new entry AXXXX of Annex VIII is proposed setting out when plastic waste is hazardous. This is a consequential amendment, the need for which was identified during consultations at the 11<sup>th</sup> meeting of the OEWG.

The proposed amendments are modelled over the concept that has been the practice for transboundary movements of plastic wastes between 32 countries in Europe for a number of years which has proven to be a balanced approach to the trade in plastic waste and environmental concerns on the sound management of wastes.

Message

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**Subject:** APEC VWG on Marine Debris Update

Dear Colleagues,

On behalf of the co-chairs I would like to provide the following updates regarding the work of the APEC Virtual Working Group on Marine Debris.

### **Marine debris is a priority for Chile's 2019 APEC host year**

Chile has identified four primary priorities for 2019: 1) women, SMEs and inclusive growth; 2) digital society; 3) integration 4.0; and 4) sustainable growth. Under the sustainable growth priority Chile has identified preventing and reducing marine debris as one of the primary objectives for the year together with work on combatting illegal, unreported and unregulated (IUU) fishing, smart cities, and sustainable energy.

As part of the work on marine debris Chile intends to develop an initiative on marine debris monitoring and specifically work to harmonize monitoring methodologies in APEC economies. Chile also intends to pursue follow-up work regarding their 2018 project on "promoting trade of products that replace those with mercury to reduce marine pollution" OFWG 02 2018A.

We are also anticipating several other marine debris related activities this year and will circulate that information as it becomes available.

### **APEC First Senior Officials Meeting (SOM1)**

The First APEC Senior Officials and Related Meetings took place in Santiago, Chile February 23 – March 8. As part of those meetings several projects and initiatives related to marine debris were discussed at the APEC Chemical Dialogue meeting and APEC Ocean and Fisheries Working Group.

- **Update from the Virtual Working Group on Marine Debris:** A presentation from the VWG on Marine Debris was given at both the APEC Chemical Dialogue and APEC Ocean and Fisheries Working Group meetings. An update regarding the 2018 APEC Marine Debris Stakeholder meeting (the full report may be found [here](#)) was provided together with additional updates on current and ongoing projects (additional information provided below). The presentation may be found at this [LINK](#).
- **Update of the 2009 APEC Report on the Costs and Benefits of Controlling Marine Debris:** A report is being generated which will include an updated assessment on the economic impacts of marine debris in APEC economies and identify major urban marine debris "hot spots" that may benefit from targeted control interventions. The report will also include case studies looking at the technical effectiveness of marine litter devices, a cost-benefit scenario of potential solutions and a series of policy

recommendations. Economy specific data is still outstanding for approximately 1/3 of the APEC economies. The full presentation may be found at this [LINK](#).

- **Clean City and Ocean Initiative:** The United States presented on its APEC Clean City and Ocean Initiative which aims to assess the waste management needs in APEC pilot cities, identify the applicable APEC Policy and Practice recommendations, connect municipal leaders with technical and financial resources, and develop a report and recommendations that will be transferrable throughout the APEC region. The project proposal may be found at this [LINK](#).
- **Japan's approach to marine plastic litter:** Japan's Ministry of Economy, Trade and Industry presented on their efforts to address marine litter including their Clean Ocean Material Alliance and examples of private sector initiatives. The full presentation may be found at this [LINK](#).
- **Indonesia's efforts on combatting marine debris:** A presentation highlighting Indonesia's efforts to address marine debris was presented including Indonesia's action plan on marine plastic debris, public campaigns, and new partnerships that are being developed to improve waste management. The full presentation may be found at this [LINK](#) as well as a project proposal on marine debris monitoring at this [LINK](#) and related presentation at this [LINK](#).
- **Marine debris and microplastics in Peru:** Peru presented on research regarding marine debris and microplastic prevalence along the Peruvian coast. The legal framework regarding Peru's law on integrated solid waste management was also presented together with recommendations regarding additional monitoring work and trainings. The full presentation may be found at this [LINK](#).
- **Marine debris and microplastics in China:** China presented on several projects regarding the monitoring of microplastics in the APEC region as well as work to move towards more standard methods for monitoring microplastics [LINK](#). Work on innovative solutions to marine debris was also presented [LINK](#).
- **APEC marine debris guidelines:** The Republic of Korea provided an update regarding recommendations for an APEC guideline on marine debris including in the areas of policy development and coordination, capacity building, research and innovation, and financing and private sector engagement.

Additionally, several presentations were given regarding sustainable materials management and circular economy issues. This included a paper from the United States within the Chemical Dialogue regarding a potential event on circular economy as well as work from Mexico within the Committee on Trade and Investment on best practices on circular economy, "redefining growth from waste to worth" [LINK](#) and [LINK](#).

As always if you have a colleague that would like to be added to this distribution or would like to be removed please advise. As we now have approximately 150 people on the distribution list I recommend not "replying all" to these messages however if you would like to include an update for the group please send them to me and I would be happy to include them in the next update. There will be several relevant meetings taking place this year and we will be sending additional information regarding those meetings in due course.

Best regards,

Ryan

**Ryan MacFarlane, Ph.D.**

Coordinator

APEC Virtual Working Group on Marine Debris

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# **Participants list for First Face-to-Face Meeting of the Ad-hoc Task Team**

## **Liste des participants pour Première Réunion du groupe de travail ad-hoc**

**19-20 September 2019**

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**Draft summary record of the first face-to-face meeting of the Ad Hoc Task Team Further to the Objection to Incorporation of Amendments to the Basel Convention into the OECD Decision on Transboundary Movements of Waste destined for Recovery Operations**

Paris 19-20 September 2019

This document provides a draft summary record of the first face-to-face meeting of the Ad Hoc Task Team Further to the Objection to Incorporation of Amendments to the Basel Convention into the OECD Decision on Transboundary Movements of Waste destined for Recovery Operations (OECD-LEGAL-0266). The final version of this document will be shared with Task Team members and members of the Working Party on Resource Productivity and Waste (WPRPW). Task Team members are invited to provide comments to this draft by **21 October 2019**.

Participants: See list of participants in separate document.

Note: During the meeting stakeholders shared additional information in written form. This information is made available on the community site.

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## Draft summary record of the first face-to-face meeting of the Ad Hoc Task team\*

\* Ad hoc Task Team Further to the Objection to Incorporation of Amendments to the Basel Convention into the OECD Decision on Transboundary Movements of Waste destined for Recovery Operations

### 1. *Opening remarks*

**Sofie Bouteligier** (Chair of Task Team) opened the meeting by providing an overview of the genesis, mandate and composition of the Task Team.

**Shardul Agrawala** (OECD Secretariat) gave opening remarks and presented the agenda. The agenda was agreed by participants under the condition to leave the planning of the second day flexible for changes, if necessary.

### 2. *Amendments to Annexes of the Basel Convention agreed at Basel COP14*

**Melissa Lim** (Basel Secretariat) presented the amendments to the Annexes of the Basel Convention, which had been agreed at the Basel Convention of Parties (COP) on 14 in May 2019 (the Basel Amendments), as well as further ongoing actions to address plastic waste under the Basel Convention.

### 3. *Implications and process: OECD Decision of the Council on the control of transboundary movements of wastes destined for recovery operations (OECD-LEGAL-0266)*

**Gita Kothari** and **Peter Börkey** (OECD Secretariat) provided an overview of the implications and process further to the objection to the incorporation of the Basel Amendments into the OECD Decision.

The timeline set out in Chapter II B.3.c) of the OECD Decision was recalled: the Working Party on Resource Productivity and Waste (WPRPW) and the Environment Policy Committee (EPOC) have until one month before the amendments become effective for the Parties to the Basel Convention, i.e. until 1 December 2020, to reach a conclusion.

It was explained that, to leave Adherents to the OECD Decision sufficient time to implement the amendments into national or regional legislative frameworks, a consensus would need to be reached within WPRPW in their next meeting on 3-5 February 2020. This would require the Task Team putting forward a draft proposal to WPRPW by 15 December.

The Secretariat also presented the note on amending Appendices 3 and 4 of the OECD Decision in case OECD Members do not reach consensus. Some Task Team members indicated they will submit written comments on the note and the Secretariat indicated that they would be taken into account in a revision of the note.

### 4. *Alternative proposal for amending Appendices 3 and 4 of the OECD decision*

**Rick Picardi** (United States) presented the alternative proposal for amendments to Appendices 3 and 4 which accompanied the US objection letter of 3 July 2019, following which the Chair invited feedback from the floor. Task Team members exchanged views on the alternative proposal presented by the US delegation, reflecting many of the issues that had been brought up in the written comments that countries shared ahead of the meeting. These issues fed into the remainder of the discussions during the meeting (see below).

## 5. Discussion on selected topics

### *Topics directly related to the modification of Appendices 3 and 4 of the OECD Decision*

Through a series of specific questions and tours de table, the Task Team explored selected topics and sought to identify areas of convergence. The outcome of this initial exploratory phase is presented below.

The meeting seemed to indicate that there is **convergence** on the following issues:

- ✧ Maintain an entry for at least some plastic waste in Appendix 3 (green list):
  - Specifically list a non-exhaustive list of non-halogenated polymers, a non-exhaustive list of cured resins or condensation products and an exhaustive list of fluorinated polymers (similar to current entry B3010 and new Basel entry B3011, without limiting this to recycling as a destination).
  - Retain as a proviso in the green list entry description a reference to “a specification” (similar to current entry description in B3010).
  - Include a reference to at least some mixtures of plastic waste in the green list entry (e.g. the specific mixtures item under new Basel entry B3011).
- ✧ Include a new entry in Appendix 4 (amber list) for plastic waste, including mixtures of such waste, containing or contaminated with Appendix 1 constituents, to an extent that it exhibits an Appendix 2 characteristic (similar to the new Basel entry A3210), with further clarification of the scope of this entry, such as via illustrative examples.

The meeting identified that **more discussion** would be required on the following topics to reach greater convergence:

- ✧ Inclusion of a specific reference to “in an environmentally sound manner” in the Appendices.
- ✧ Specifically refer to PTFE in green list (Appendix 3) under the exhaustive list of fluorinated polymers (to maintain the content of point g) of current Appendix 3 Part I of the OECD Decision).
- ✧ Maintain a specific entry for PVC in green list (Appendix 3) (to maintain the provisions of current entry GH013 in the OECD Decision).

Finally, based on the positions expressed during this exploratory discussion, the meeting identified that significant additional discussions will be required on the following aspect:

- ✧ Including an entry for at least some plastic waste in Appendix 4 (amber list) (specifically listing waste that would not fall under the green list entries or the other amber hazardous waste entry, or similar to the logic of Y48, listing all “plastic waste” with the exception of hazardous plastic wastes and the specific green-listed plastic wastes.

### *Additional issues identified*

Task Team members identified a need for additional information and data to support their discussions and suggested that this information and data should be requested from OECD Members and stakeholders through WPRPW. Some Task Team members considered that there is currently insufficient information about both waste-related regulations and capacities in OECD Members, and that filling this information gap could play a crucial role in advancing negotiations in the group. Both member countries and stakeholders represented in the Task Team expressed willingness to share information. The meeting tasked the Secretariat with inviting OECD members to share the following information collected from members by 4 November 2019:

- ✧ rules / regulations on import/export of plastic waste, including on how to ensure environmentally sound management of waste exported or imported;
- ✧ rules / regulations on the management of plastic waste including any residual waste from this management;
- ✧ rules / regulations on enforcement and inspections in relation to import/export and management of plastic waste;
- ✧ information on capacities and capabilities on the management of plastic waste including of any residual waste from this management, also in the light of possible increases of imports of plastic waste;
- ✧ information on technologies for the recovery, in particular recycling, of plastic waste;
- ✧ information on illegal imports of plastics and problems linked to such imports;
- ✧ information on the use of the provision for specific national control in Chapter II.B.4.

#### *Data availability on trade in plastic waste and capacity to manage such wastes*

Task Team members noted that when the Basel Amendments and modifications to the OECD Appendices come into force, this could result in significant shifts of trade flows of plastic waste, with the potential risk of straining waste management capacities in some importing OECD countries. The possibility of introducing a monitoring system for plastic waste flows between adherents to the OECD Decision was considered a useful tool to identify and assess potential issues.

In this context, the Secretariat presented a stocktake of available data sources that a monitoring system could draw on, and UNEP presented available information within the Basel Convention. Several Task Team members considered it crucial to maintain discussions on such a monitoring framework in parallel to the development of a proposal on amending Appendices 3 and 4. The Secretariat also noted that consideration could be given to re-activating information requirements already provided for under the OECD Decision for specific points listed under Appendix 7.

## 6. *Other issues*

While most of the issues raised were directly related to modifying Appendices 3 and 4 as per the mandate of the Task Team, some also revolved around the implementation of the OECD Decision in a broader sense. Some Task Team members expressed the view that there is currently limited information on how the Decision is implemented in OECD Member Countries (e.g., the use of control procedures, in particular the accelerated procedure for pre-consented facilities; the application of Specific National Control procedures; and the Environmentally Sound Management of waste) both in relation to plastic waste, and more generally.

The Secretariat explained that besides modifications to Appendices 3 and 4, the Task Team could develop a broader set of recommendations relating to the OECD Decision for consideration by WPRPW. The meeting suggested that a review of the implementation of the Council Decision may be a helpful first step in this respect.

## 7. *Next steps*

The following steps were agreed upon.

- ✧ Secretariat sends out the request for data defined by Task Team members.
- ✧ Secretariat provides a draft of the summary record.

- » Proposed conference call after 15 October to discuss developments amongst Task Team members, and consideration of whether an additional call is needed.
- » Task Team members are invited to provide input on specific issues relating to modification of Appendices 3 and 4 and on the no consensus note to the Secretariat by 4 November.
- » 4 November upload on the WPRPW Community site of all data and input received.
- » 2nd face to face meeting of Task Team: 2-4 December 2019.
- » 15 December submission of draft proposal to WPRPW.

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**Subject:** BC Informal consultations of the Expert Working Group on the Review of the Annexes, 16 Oct 2019  
**Attachments:** Tentative schedule for EWG on RA\_3.docx

Dear members and observers of the Expert Working Group on the review of Annexes,

The Secretariat of the Basel Convention invites you to join the informal consultations of the Expert Working Group on the review of the Annexes on **Wednesday, 16 October 2019 from 3-5:00 p.m. (Geneva time)**. For information on the respective starting time of the consultations in your location, please see the table below:

Location	Timing (3pm GVA time)
Roseville CA, USA Seattle, WA, USA	6:00
San Salvador, El Salvador	7:00
Bogota, Colombia Quito, Ecuador	8:00
Gatineau, Quebec, Canada Washington DC, USA	9:00
Buenos Aires, Argentina Brasilia, Brazil Santiago, Chile	10:00
Monrovia, Liberia	13:00
Brazzaville, Congo Dublin, Ireland Tunis, Tunisia	14 :00
Vienna, Austria Braine l'Alleud, Belgium Brussels, Belgium Mechelen, Belgium Sarajevo, Bosnia & Herzegovina Copenhagen, Denmark Cairo, Egypt Boulogne-Billancourt, France Bonn, Germany Oberursel, Germany The Hague, Netherlands Warsaw, Poland Pretoria, South Africa Bratislava, Slovakia Stockholm, Sweden Bern, Switzerland Skopje, The Former Yugoslav Republic of Macedonia Lusaka, Zambia	15:00
Jerusalem, Israel Tallinn, Estonia Helsinki, Finland Amman, Jordan Hebron, West Bank, State of Palestine Antananarivo, Madagascar Bucharest, Romania Dodoma, Tanzania	16:00
Tbilisi, Georgia Yerevan, Armenia	17:00
Tehran, Iran	17:30
New Delhi, India	18:30
Beijing, China	21:00
Tokyo, Japan	22:00
Canberra, Australia	00:00, 17 Oct
Wellington, New Zealand	01:00, 17 Oct

The proposed **agenda** for the consultations is as follows:

- Status of preparations for the EWG\_3 on RA
- Tentative schedule for the EWG\_3 on RA (*see attachment*)

**Please register to the informal consultations through the link below.** Once you are approved by the host, you will receive a confirmation email with instructions for joining the session. If you do not receive the confirmation email please check your junk email inbox.

**Kindly join the session at least 30 minutes prior to the starting time** in order to ensure that your audio equipment is working properly.

BRS Conventions Secretariat has invited you to a Webex meeting that requires registr

## **EWG RA online informal consultations**

Host: BRS Conventions Secretariat

Wednesday, 16. October 2019

15:00 | Europe Summer Time (Paris, GMT+02:00) | 2 hrs

**Register**

Need help? Go to <http://help.webex.com>



If you are new to WebEx please join the technical trial on Tuesday, 15 October 2019 at 15:00 Geneva time (the session will remain open for 60 minutes).

### **Technical trial to EWG RA online informal consultations**

Host: BRS Conventions Secretariat

Tuesday, 15. October 2019

15:00 | Europe Summer Time (Paris, GMT+02:00) | 1 hr

**Register**

For assistance: You can contact Leslie Angeles at [leslie.angeles@brsmeas.org](mailto:leslie.angeles@brsmeas.org)

We look forward to welcoming you online.

With best regards,

**Secretariat of the Basel, Rotterdam and Stockholm Conventions**

United Nations Environment Programme

11-13, Chemin des Anémones

1219 Chatelaine, Geneva, Switzerland

Internet: [www.basel.int](http://www.basel.int) / [www.pic.int](http://www.pic.int) / [www.pops.int](http://www.pops.int)

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**Subject:** APEC Virtual Working Group on Marine Debris Update

**Attachments:** UPDATED APEC Concept Note 2019 Guidebook.docx; Circular\_Economy\_Infrastructure\_Public\_2019-07-08\_Draft\_1\_v2.pdf

**Flag:** Follow up

Dear APEC Virtual Working Group on Marine Debris members,

There are a number of marine debris related initiatives and meetings that will be taking place over the next several months under APEC. A brief summary of those meetings is listed below.

### **APEC SOM3 and Related Meetings, August 15 – 30**

The third cluster of APEC meetings will take place next month in Puerto Varas, Chile. There are a number of APEC working group meetings where marine debris issues will be addressed.

#### **1. APEC Ocean and Fisheries Working Group, August 20 – 21**

The Virtual Working Group on Marine Debris will provide an update to the APEC Ocean and Fisheries Working Group. We also anticipate updates on the following:

- A capacity building project on global marine debris monitoring and modeling from Indonesia.
- An APEC workshop on marine debris and microplastics from China.
- An update on the APEC Clean City and Ocean initiative from the United States.
- A compendium of preventative measures and policies that APEC economies are taking to reduce land-based marine debris from Chile.
- A presentation from the study authors updating the 2009 report “Understanding the Economic Benefits and Costs of Controlling Marine Debris in the APEC Region” on behalf of the United States.
- A possible on the draft “APEC Roadmap on Marine Debris 2019 – 2030”.
- Additional project proposals and updates from APEC member economies on marine debris activities and initiatives.

#### **2. “Understanding and Addressing Marine Debris Impact in the APEC region” August 22**

- This U.S. and Chile led project and will look at the connections between marine debris and fisheries / food security.

#### **3. APEC Chemical Dialogue, August 23 – August 25**

The APEC Chemical Dialogue will receive an update from the VWG on Marine Debris, including the various projects and initiatives related to promoting sustainable materials management and the move towards a more circular economy.

#### **4. Policy Partnership on Science and Technology and Innovation, August 26 – 27**

The Policy Partnership on Science and Technology and Innovation may receive a presentation from the Virtual Working Group on Marine Debris. There is also a current proposal from Chinese Taipei which looks to help companies interested in turning plastic waste into consumer goods and other useful products as well as a project from Malaysia looking at best practices for laboratories in managing and recycling single-use plastics that are used for research purposes.

#### **5. Committee on Trade and Investment, August 26 - 27**

The United States will provide a brief presentation regarding the Sustainable Materials Policy Program proposal. This project seeks to develop the capacity of APEC economies to identify and frame domestic policies that promote waste management and recycling (WMR) infrastructure, addressing barriers to trade and increasing markets for sustainable materials. The program will focus on four key policy areas: (1) supporting environmental regulation, (2) enabling legal definitions of waste and recyclable materials, (3) international materials quality and processing health and safety standards, and (4) enabling policies for recycling infrastructure investments (including Public Private Partnerships).

#### **6. SOM Steering Committee on Economic and Technical Cooperation, August 28**

We anticipate a presentation from Japan regarding their initiative on helping cities in the APEC region improve resource circulation and waste management (*see attached proposal*).

#### **APEC Small and Medium Sized Enterprises Ministerial and Related Meetings, 2 - 6 September, 2019**

Chile has tentative plans to organize a meeting in Concepcion, Chile on the margins of the Small and Medium Sized Enterprises and Related Meetings on investing in SMEs and innovation to combat marine litter and build a more circular economy. Additional information regarding this meeting will be circulated as it becomes available.

#### **Building the Infrastructure for the Circular Economy in APEC, September 9**

The APEC Business Advisory Council (ABAC), Asia-Pacific Financial Forum (APFF), and Asia-Pacific Infrastructure Partnership (APIP) are collaborating to organize a meeting in Hong Kong, on September 9<sup>th</sup> focused on practical steps APEC can take to develop a pipeline of bankable waste management projects that can attract private sector investment and participation (*see attached paper*). If you are interested in attending this meeting please contact Ryan MacFarlane ([rmacfarlane@crowell.com](mailto:rmacfarlane@crowell.com)).

Should you have any questions regarding these meetings please don't hesitate to reach out.

Best regards,  
Ryan

**Ryan MacFarlane, Ph.D.**

VWG on Marine Debris Coordinator

Director

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Draft as of 2019-07-08



## **JOINT ABAC-APFF-APIP-HKGC CONFERENCE BUILDING THE INFRASTRUCTURE FOR THE CIRCULAR ECONOMY IN APEC**

9 September 2019

The Hong Kong General Chamber of Commerce  
Hong Kong S.A.R., People's Republic of China

Co-organized by:

APEC Business Advisory Council (ABAC) Hong Kong  
Asia-Pacific Financial Forum (APFF)  
Asia-Pacific Infrastructure Partnership (APIP)  
The Hong Kong General Chamber of Commerce

In an evolving world with an ever-growing population and increasing demands, it is crucial to use resources efficiently and develop innovative business models that maximize resource-efficiency along value chains. Enhancing the sustainability and circularity of APEC economies can lead to enhanced economic development, strengthened social standards, and higher levels of protection for human health and the environment. A circular economy keeps resources in use for as long as possible, extracts the maximum value from them while in use, then recovers and regenerates products and materials at the end of each service life, thus optimizing a full range of environmental and societal outcomes.

Circular economy policies should look to use and reuse materials more productively over their entire lifecycles, as is the case with sustainable materials management policies. Innovations are transforming the way we use and recover materials. For example, new technologies are being developed to convert non-recycled used plastics back into basic building blocks (i.e., monomers) that can be used as the feedstock to make new plastics. Previously difficult to recycle materials are being converted into building materials, roads and consumers goods. However, these new innovative solutions will require support and investment to achieve greater scale. In particular, it is imperative to address the deficit in investment in solid waste management systems and infrastructure in the region's developing economies.

This conference looks to build on previous and ongoing work within APEC and the APEC Business Advisory Council (ABAC) including those within the Asia-Pacific Financial Forum (APFF), Asia-Pacific Infrastructure Partnership (APIP), the APEC Chemical Dialogue, the APEC Ocean and Fisheries Working Group, the APEC Virtual Working Group on Marine Debris, and the APEC Committee on Trade and Investment. Bringing together key stakeholders and experts from government, business, academe and multilateral institutions, it will seek to identify and obtain agreement on practical steps to develop a pipeline of bankable waste management project

that can attract private sector investment and participation.<sup>1</sup>

## AGENDA

### 0900-0930 OPENING SESSION

#### Welcome Remarks

TBD, The Hong Kong General Chamber of Commerce

#### Opening Remarks

Madame Marjorie Yang

*Chairwoman, Esquel Group; and Member, APEC Business Advisory Council*

#### Opening Remarks

Mr. Kobsak Duangdee

*Chair, Asia-Pacific Financial Forum; Secretary General, Thai Bankers' Association*

### 0930-1045 SESSION ONE: Advancing the Circular Economy through Resource Recovery Management (2RM)

Promoting the circular economy requires changing the narrative from “Waste Management” to “Resource Recovery Management”. While a variety of approaches to managing materials and waste streams need to be considered to deal with different circumstances, infrastructure should be developed that can support a combination of various options including reducing, reusing, recycling, energy recovery, treatment and disposal that leads to a more sustainable use of resources and materials. Using materials sustainably and creating a circular economy involves asking the questions on what 2RM is and when to use different management strategies.

This session will discuss 2RM within the broader context of the circular economy and the required policies, regulations and guidelines for increased reuse, repair, recycling and repurposing. It will also discuss how public-private partnerships can be developed in drop-off locations (DOLs), material recovery facilities (MRFs), municipal solid waste (MSW) supply contracts and tipping fees, and in industrial materials recovery facilities (IWRF), as well as the role that education and communication strategies can play in driving collaboration and innovation for a circular economy.

1045-1100 Coffee break

### 1100-1230 SESSION TWO: Current Gaps and Challenges in Developing APEC Economies

Despite existing legislation governing the collection and management of household waste (and in some cases action plans addressing marine litter and circular economy) a number of Asia-Pacific economies lack sufficient 2RM infrastructure, resulting in mismanaged municipal waste that enters the environment and the ocean. Various challenges facing governments include those related to enforcement of existing laws and regulations, governance and transparency. Insufficient operating and capital expenditure budgets at the local level, where responsibility for waste collection and management ultimately resides, deter the flow of needed capital to the solid waste management and recycling sector.

This session will discuss the current situation of waste management practices and infrastructure

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<sup>1</sup> This includes implementation of the APEC Policy and Practice Recommendations to Overcoming Barriers to Financing Waste Management Systems and Reducing Marine Litter which were endorsed by APEC Ministers in 2016 and the recommendation regarding the importance of enabling innovative, transparent funding approaches such as blended funding entities and pay for performance delivery models as outlined in The Next Wave: Investment Strategies for Plastic Free Seas.

in developing economies and the broader social, cultural, economic and political/policy context. It will also discuss the various stakeholders and participants in the waste management value chain, the challenges that need to be addressed and the way forward for promoting the evolution of current systems toward effective 2RM and realizing the circular economy.

1245-1400 Lunch

### **1400-1530 SESSION THREE: Financing the Circular Economy Infrastructure**

New and innovative funding structures are required to crowd in private sector investment and enable additional investors to support environmental objectives achieved through improvements in solid waste management infrastructure. This session will discuss how to facilitate and accelerate private sector participation in financing 2RM projects in APEC developing economies.

- **Improved Risk Allocation:** Large scale infrastructure projects often involve a variety of risks that prevent private sector investment. These include risks related to the design and construction phases of a project, post-construction payment and the policy environment. So long as these risks remain unaddressed, it will remain challenging to attract sufficient capital to meet growing infrastructure demands.
- **Attracting Long Term and Other Investors:** A key barrier for financing is the lack of opportunities that are defined as investment grade by credit rating agencies. International pension funds, asset managers, insurance companies and Sovereign Wealth Funds, impact investors and others can be key sources of financing to rapidly scale up infrastructure efforts, but will be largely unable to participate in these opportunities unless the risk return profile of potential investments is altered.
- **Blended Finance:** Blended financing aims to blend concessionary and philanthropic monies with market rate investment capital to unlock institutional funding by showing that investment in the resource recovery sector can ultimately provide attractive financial returns. These structures can help share risks between the private sector and public sector. By reducing the risk profile of sustainable infrastructure projects, blended finance can allow investors to participate in financing projects that they would not otherwise be able to.

1530-1545 Tea break

### **1545-1715 SESSION FOUR: Catalyzing Initiatives – From Idea to Action**

This conference aims to initiate a process designed to eventually lead to the development of a pipeline of bankable 2RM projects in developing APEC member economies, particularly in those economies that currently face the greatest challenges in managing municipal waste and addressing the problem of marine debris at its source. This process is intended to develop in 3 stages: (a) a meeting of key stakeholders at the international level to agree to collaborate; (b) dialogues at the domestic level between authorities responsible for waste management projects and practitioners/experts from the private sector, multilateral institutions, export credit agencies and specialist institutions; (c) capacity building (training, seminars, advisory services) at the domestic/local level to assist authorities in launching 2RM projects; and (d) launch of projects and financial close.

As the first stage in this process, the conference will invite key public sector stakeholders from developing APEC economies, representatives from multilateral institutions and agencies from advanced economies promoting capacity building in developing economies, and experts from the private sector and investor community to discuss action plans to initiate the process of building 2RM infrastructure projects through public-private partnership. It is hoped that the



discussions in this session will lead to commitments and agreements among these stakeholders to collaborate in this work and facilitate the dialogues that form the next stage of this process.

**1715-1730 CLOSING SESSION**

# APEC Concept Note

Please submit to APEC Secretariat Program Director. Concept Notes exceeding 3 pages (including title page) and incomplete submissions will not be considered. Responses must be no less than 10pt font.

<b>Project Title:</b>	Initiative for Realizing Sustainable Cities Focusing on Improvement of Resource Circulation and Waste Management		
<b>Fund Source (Select one only):</b>			
[ FORMCHECKBOX ] General Project Account (GPA)			
[ FORMCHECKBOX ] Trade and Investment Liberalization and Facilitation Special Account (TILF)			
[ FORMCHECKBOX ] APEC Support Fund (ASF) – General Fund			
[ FORMCHECKBOX ] APEC Support Fund (ASF) – Sub-Fund. <u>You must nominate the sub-fund here:</u> .....			
<b>APEC forum:</b>	SCE (SOM Steering Committee on ECOTECH)		
<b>Proposing APEC economy:</b>	Japan		
<b>Co-sponsoring economies:</b>	Chile, Russia		
<b>Expected Start Date:</b>	November, 2019		
<b>Project Completion Date:</b> <small>See Chapter 7 Guidebook on APEC Projects</small>	November, 2020		
<b>Project summary:</b> <i>In 150 words -</i> <ul style="list-style-type: none"> <li>What is the issue that you will address or examine in your project?</li> <li>Outline the key things your project will do, in terms of what, where, when and with whom.</li> </ul> <i>(Summary must be no longer than the box provided. Cover sheet must fit on one page)</i>	<b>Objectives:</b> The objective of this project is to identify problems on resource circulation and waste management of some cities and to recommend appropriate solutions for the problems, thereby contributing toward achieving sustainable cities. The review is conducted with the “Guidebook for Development of Sustainable Cities Focusing on Resource Circulation and Waste Management,” which was endorsed by SOM in 2018. The Guidebook introduces the Current-status Evaluation method which is useful for identifying an overall trend including problems of the development status of a city. Moreover, the Guidebook suggests appropriate solutions to achieve sustainable development of the city and to satisfy and provide benefits to locals.		
	<b>Activities:</b> <ul style="list-style-type: none"> <li>To conduct assessments (2 cities) using the Guidebook to identify specific problems and propose solutions.</li> <li>To hold an APEC workshop to share results of the assessments at cities and discuss adoptability of solutions to other cities</li> </ul>		
<b>Total cost of proposal: (APEC funding + self-funding):</b> <b>USD</b> 100,000 + 180,000 = 280,000	<b>Total amount being sought from APEC (USD):</b> 100,000 <b>By category:</b> Travel: 8,000 Labor costs: 50,000 Hosting: 40,000 Publication & distribution: 0 Other: 2,000 <i>(See Guidebook on APEC Projects, Ch. 9 to ensure all proposed costs are allowable.)</i>		

## Project Overseer Information and Declaration:

**Name:** Nobuyuki Matsumoto (Mr.) **Title:** Deputy Director[ FORMTEXT ]

**Organization:** Resource Efficiency and Circular Economy Division, METI

**Postal address:** 1-3-1 Kasumigaseki, Chiyoda-ku, Tokyo, 100-8901, JAPAN

**Tel:** +81-3-3501-4978

**E-mail:** matsumoto-nobuyuki@meti.go.jp

As Project Overseer and on behalf of the above said Organization, I declare that this submission was prepared in accordance with the **Guidebook on APEC Projects (the Guidebook)** and any ensuing project will comply with said Guidebook. Failure to do so may result in the BMC denying or revoking funding and/or project approval. I understand that any funds approved are granted on the basis of the information in the document's budget table, in the case of any inconsistencies within the document.

\_\_\_\_\_  
Name of Project Overseer / Date

# Project Synopsis

1. **Relevance – Benefits to region: What problem does the project seek to address? Does it have sustained benefits for more than one economy?**

APEC has showed interest in the issue of urbanization due to ongoing rapid economic growth in the Asia-Pacific region that can increase greenhouse gas emissions, worsen waste treatment problems, cause pollution, and tighten the supply-demand situation of energy, resources, water and foods. These factors are posing serious issues that may shake the basis of economic growth and the social infrastructure of the Asia-Pacific region. The environmental burden is increasing in line with economic growth and urbanization. One of the issues related to urbanization is marine debris which becomes a regional and global concern. Therefore, In the Da Nang Declaration, 2017 Leaders stated that “We note the need for urbanization to be people-oriented, sound and sustainable and encourage knowledge sharing and policy exchange.

As an outcome of the project titled “Developing the Methodology for Measuring and Realizing the Sustainability of Cities in the APEC Region” [SOM 01 2016S], Japan had developed the “Guidebook for the Development of Sustainable Cities Focusing on Resource Circulation and Waste Management” which was endorsed by SOM in March 29, 2018. This guidebook is for officials in a local government who are in charge of waste disposal. It reveals what the problem is and shows solutions for their reference. It answers questions such as, whether there is a legislative system regarding waste disposal, whether waste sorting on ELV, e-waste, and construction waste is conducted, or the amount of the waste in the city. In order to proceed in these activities, and to be more specific, we will review 2 cities using the guidebook and share the experience to other APEC economies in a workshop. This guidebook was made for officials who are in charge of waste management in a local government. By following the steps described in the guidebook, it reveals a city's own problems and shows possible solutions for such problems.

One year ago, we conducted a case study in Batam City, Indonesia, with the cooperation of Yokohama City, Japan. Through this study, the guidebook pointed out problems such as waste collection and final landfill sites. In addition, some solutions for those problems were proposed for their reference.

After the assessments, we will hold a workshop to introduce the results of the assessments at cities and to promote this guidebook for other cities

This project is in line with the APEC 2019 Priority 4 “Sustainable Growth.”

**Relevance – Eligibility and Fund Priorities: How does the project a) meet the eligibility criteria and b) support the funding priorities for the nominated fund or sub-fund? Refer to the APEC website.**

This project meets the 2019 Project Funding Criteria for the GPA in terms of “Sustainable Growth.” According to the “Background Paper: Sustainable Growth” submitted by Chile, it listed “Protecting our Oceans and Marine Ecosystem” and “Developing common standards for Smart Cities” as key issues. This project covers resource circulation such as municipal waste generation, collection and transport, sorting, and treatment and recycling. It helps evaluate the current-status of a city, and provides policy packages and technologies and systems as solutions for sustainable growth.

**Relevance – Capacity Building: How will the project build the capacity of APEC member economies? For ASF projects, please identify the APEC developing member economies that will benefit from this project. (Refer to capacity building goals, objectives and principles at Appendix K of the Guidebook.)**

This project provides the opportunity for APEC economies to share their experiences regarding the methodology for assessing and realizing the sustainability of cities. The APEC economies can obtain knowledge and skills about waste management through applying this guidebook with dispatched experts' support. The experts also show solutions against the problems that are revealed by the guidebook and provide a consulting service for the cities as well as explain how to use it and information on the latest waste management systems. How to analyze and evaluate problems in a city will be illustrated in the workshop.

To be more specific, the workshop consists of two sessions; one is a capacity building session and second is the introduction of a case studies session. In the first session, the experts explain how to establish a waste management system, recycling system, and how to transition to a circular economy. Then, case studies in a different cities are introduced as actual examples to help participants' understanding.

**Objective: State the overall objective of the project in 100 words or less. The objective is the overarching goal of your project, for example, “Our objective is to build the capacity of project participants through workshop and research to better support the X Roadmap, and produce recommendations as a basis for further collaboration to address the APEC-wide issue of...” In the Project Proposal, you will be required to identify a set of measurable project-level outcomes, which if collectively achieved, define whether the project has met the objective stated here. You can identify**

more than one objective, but avoid confusing the *objective* or goal of the project with the project's *outcomes*.

The objective of this project is to identify problems on resource circulation and waste management in some cities and to recommend appropriate solutions for such environmental problems, thereby contributing toward achieving sustainable cities.

Needs for introduction of waste treatment systems are increasing. This is especially the case in developing economies where the speed of economic development is too fast for consolidation of the system. Therefore, solving these problems is an urgent matter. However, there is no "one-solution-fits-all". Problems vary from city to city.

2. **Alignment – APEC: Describe specific APEC priorities, goals, strategies and/or statements that the project supports, and explain how the project will contribute to their achievement.**

The 2017 APEC Leaders' Declaration highlights the problems of urbanization and encourages the sharing of knowledge and policy in this area. This project intends to contribute to this statement.

**Alignment – Forum: How does the project align with your forum's work plan/strategic plan?**

SCE(Steering Committee on Economic and Technical Cooperation) leads the initiative. The Framework for Strengthening Economic Cooperation and Development gives priority to the Safeguard the Quality of Life through Environmentally Sound Growth by promoting sound policies and practices, taking into account concerns about sustainable development. This is exactly the object that this project is heading for. It is very important to construct waste disposal system in order to secure circularity of resources and to preserve environment at the same time for sustainable cities.

Moreover, this project also aligns with Friend of the Chair (FOTC) on Urbanization. "Working Program Friends of the Chair on Urbanization 2019" places Chile's Background Paper on Sustainable Growth as one of the main documents that will guide the work of the FOTC on Urbanization.

3. **Methodology: How do you plan to implement the project? Briefly address the following:**

- **Work plan:** In a simple table, outline the project from start to end. Show key project outputs and activities and associated dates or timelines.

- (1) November 2019 – April 2020; conducting assessments using the Guidebook to identify the current problems and solutions
- (2) May 2020; conducting a workshop to share experiences through the case studies above and promote use of the guidebook to other cities.
- (3) August 2020; compiling interim study report and reporting to SCE3 meeting
- (4) September - October 2020; finalizing and compiling in a comprehensive report
- (5) November 2020; report to CSOM/AMM

- **Beneficiaries:** Selection criteria for participants, beneficiary profiles (e.g. participants, end users, policy makers, researchers/ analysts, gender) and how they will be engaged.

Policy makers from all APEC economies, especially those of a reviewed city and participants in the workshop, could learn how to use the guidebook in their own city to realize sustainable city development.

- **Evaluation:** Outline the indicators which will be used to measure progress towards the project outcomes. Where possible provide indicators which could assess impacts on women.

The short-term impacts will be evaluated by the number of participants in the workshop and the number of downloads of the guidebook from APEC website. The long-term impacts will be evaluated by the number of cities which improve resource circulation using the guidebook.

- **Linkages:** Information on other APEC and non-APEC stakeholders and how they will be engaged. If and how this proposal builds on (but does not duplicate) the work of other projects. How will this activity promote cross fora collaboration?

The project will seek possible collaboration with relevant APEC fora, including the Friend of the Chair (FOTC) on Urbanization. And Oceans and Fisheries Working Group (OFWG) will be informed of the outcomes of this project. The project will also explore inputs from academia, international organizations and departments of respective economies who may have applicable policies, experiences and lessons in implementing the "Guidebook for Development of Sustainable Cities Focusing on Resource Circulation and Waste Management."

Message

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**From:** Harris, Stewart [Stewart\_Harris@americanchemistry.com]  
**Sent:** 2/22/2019 8:58:48 PM  
**To:** Yohannes, Lia [Yohannes.Lia@epa.gov]  
**CC:** Picardi, Rick [Picardi.Rick@epa.gov]; Weber, Katherine P [WeberKP@state.gov]; Clark, Andrew D [ClarkAD@state.gov]  
**Subject:** RE: Basel Convention

Hi Lia,

I appreciate the follow-up. There seem to be a lot of developments with Basel, including the EU's planned support, which is very troubling.

Friday would be great, as we have a meeting with our board on Thursday and will be discussing Basel.

Does 3pm Friday work for a call?

Thanks,  
Stew

*Stewart Harris* | American Chemistry Council  
Director, Marine and Environmental Stewardship, Plastics Division  
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**From:** Yohannes, Lia [mailto:Yohannes.Lia@epa.gov]  
**Sent:** Friday, February 22, 2019 3:56 PM  
**To:** Harris, Stewart <Stewart\_Harris@americanchemistry.com>  
**Cc:** Picardi, Rick <Picardi.Rick@epa.gov>; Weber, Katherine P <WeberKP@state.gov>; Clark, Andrew D <ClarkAD@state.gov>  
**Subject:** RE: Basel Convention

Hi Stew,

Thanks for reaching out to discuss Norway's Basel proposals and for sharing ACC's comments and other materials. All very useful. We'd be happy to set up a call to discuss further. We work closely with the State Department on Basel and so I've added Kate Weber to this email.

We're available next week on Wednesday (between 3-5pm) or Friday afternoon. Would either of those work for you?

Look forward to touching base.

Best,  
Lia

Liabeth Yohannes  
USEPA - OLEM  
Office of Resource Conservation and Recovery

International Branch  
e: [Yohannes.lia@epa.gov](mailto:Yohannes.lia@epa.gov)  
p: +1.703.308.8413

---

**From:** Harris, Stewart <[Stewart\\_Harris@americanchemistry.com](mailto:Stewart_Harris@americanchemistry.com)>  
**Sent:** Thursday, February 7, 2019 2:10 PM  
**To:** Picardi, Rick <[Picardi.Rick@epa.gov](mailto:Picardi.Rick@epa.gov)>  
**Cc:** Yohannes, Lia <[Yohannes.Lia@epa.gov](mailto:Yohannes.Lia@epa.gov)>  
**Subject:** RE: Basel Convention

Hi Rick,

Thanks for the note. I have been on the road a bit too much and could not remember who had the lead at EPA for Basel and so reached out to Walker and Janice!

Yes, I was invited to the stakeholder call with State and have been in close contact with staff.

Given the interest of Assistant Administrator McIntosh I thought it would be good to provide an update to your team as well. As you see from our previous comments and the proposed change, we are evolving our position on Basel.

It would be great to connect with you and Lia when she returns.

Take care,  
Stew

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**From:** Picardi, Rick [<mailto:Picardi.Rick@epa.gov>]  
**Sent:** Thursday, February 7, 2019 2:03 PM  
**To:** Harris, Stewart <[Stewart\\_Harris@americanchemistry.com](mailto:Stewart_Harris@americanchemistry.com)>  
**Cc:** Yohannes, Lia <[Yohannes.Lia@epa.gov](mailto:Yohannes.Lia@epa.gov)>  
**Subject:** FW: Basel Convention

Hi Stewart

It was good to meet you at the AHOOEG meeting in Geneva. I hope you had wonderful holidays.

Thanks for the materials and comments. My office is closely following and responding to the Norwegian proposals on plastic. My office is the one that sends EPA representatives to Basel Convention meetings. We work with counterparts at the State Department who are also part of the U.S. government delegation at Basel meetings. State organized an industry stakeholder conference call on January 31 to discuss the Norwegian proposals. Were you invited to that call? If not, I'll ask State to invite you to future stakeholder meetings.

We'd be glad to talk to you about the Norwegian proposals. Our Basel lead is Lia Yohannes. She's in Argentina now but gets back in a week and a half.

Thanks  
Rick Picardi  
Chief, International Branch  
Material Recovery and Waste Management Division  
Office of Resource Conservation and Recovery  
US EPA Office of Land and Emergency Management  
+1 703-308-8879  
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---

**From:** Devlin, Betsy  
**Sent:** Thursday, February 07, 2019 1:27 PM  
**To:** Picardi, Rick <[Picardi.Rick@epa.gov](mailto:Picardi.Rick@epa.gov)>  
**Subject:** FW: Basel Convention

---

**From:** Smith, Walker  
**Sent:** Thursday, February 7, 2019 11:55 AM  
**To:** Devlin, Betsy <[Devlin.Betsy@epa.gov](mailto:Devlin.Betsy@epa.gov)>  
**Subject:** FW: Basel Convention

Per my phone call

*Walker B. Smith*  
*Director*  
*Office of Global Affairs and Policy*  
*Office of International and Tribal Affairs*  
*U.S. Environmental Protection Agency*  
*202.564.4044*

---

**From:** Harris, Stewart [[mailto:Stewart\\_Harris@americanchemistry.com](mailto:Stewart_Harris@americanchemistry.com)]  
**Sent:** Wednesday, February 06, 2019 8:03 PM  
**To:** Smith, Walker <[Smith.Walker@epa.gov](mailto:Smith.Walker@epa.gov)>; Sims, JaniceHQ <[Sims.JaniceHQ@epa.gov](mailto:Sims.JaniceHQ@epa.gov)>  
**Subject:** Basel Convention

Hi Walker and Janice,

I can't recall if either of you work Basel, but I thought I would reach out to provide a quick update. Last year, Keith, Steve, and I met with Chad to talk about international issues generally. He asked that we keep him informed on Basel among other things.

Let me know if you have any questions or would like to discuss our thinking.

Take care,  
Stew

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**From:** Harris, Stewart  
**Sent:** Wednesday, February 6, 2019 7:53 PM  
**To:** McIntosh, Chad <[mcintosh.chad@epa.gov](mailto:mcintosh.chad@epa.gov)>  
**Cc:** Zumwalt, Bryan <[Bryan\\_Zumwalt@americanchemistry.com](mailto:Bryan_Zumwalt@americanchemistry.com)>; Keith Christman  
([Keith\\_Christman@americanchemistry.com](mailto:Keith_Christman@americanchemistry.com)) <[Keith\\_Christman@americanchemistry.com](mailto:Keith_Christman@americanchemistry.com)>  
**Subject:** Basel Convention

Hi Chad,

I hope you are well.

ACC is in the process of updating our strategy for the Basel Convention consideration of plastic waste. In addition to supporting the creation of a Partnership on Plastic Waste and opposing Norway's proposal, we are considering supporting a review of the annexes for plastic waste.

The attached document was sent to our member companies in advance of an upcoming board meeting. Initial feedback I received has been good, with members stressing that we remain deeply engaged in the Partnership on Plastics Waste (assuming the COP approves its creation) as well as any effort to review the annexes. Also attached are ACC's comments on the Partnership on Plastic Waste and Norway's proposal to amend the annexes.

I recently learned that the EU is considering supporting the Norway proposal to amend the annexes for plastic waste under Basel, if an exemption is added for trade within Europe. I am very concerned that if the EU supports the Norway proposal there will be few countries left to push back. I am in touch with my colleagues at PlasticsEurope who are working the issue.

Keith and I are happy to meet or jump on a call to discuss our thinking. I will keep you informed as we move forward.

Take care,  
Stew

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Plastics Division

December 27, 2018

Ms. Juliette Voinov Kohler  
Secretariat of the Basel Convention  
c/o Palais des Nations  
8-14, avenue de la Paix  
1211 Geneva 10  
Switzerland

Norwegian Ministry of Climate and  
Environment  
P.O. Box 8013 Dep  
NO-0030 OSLO  
Norway

Via electronic mail: [juliette.kohler@brsmeas.org](mailto:juliette.kohler@brsmeas.org), [postmottak@kld.dep.no](mailto:postmottak@kld.dep.no)

Re: Proposals to amend annexes II, VIII and IX of the Basel Convention to be considered at the fourteenth meeting of the Conference of the Parties

Dear Ms. Kohler,

The World Plastics Council (WPC) and American Chemistry Council (ACC) appreciate the opportunity to comment on Norway's *Proposals to amend annexes II, VIII and IX of the Basel Convention to be considered at the fourteenth meeting of the Conference of the Parties*.

We represent plastic resin manufacturers from across the globe and work closely with users, processors, transporters, converters, and recyclers of plastic materials. WPC and ACC are committed to a healthy ocean and the environmentally sound management of post-use plastic materials whether destined for recycling or final disposal. WPC, ACC, and our association allies in other countries are taking steps to eliminate plastic waste in the environment. In fact under the Declaration of the Global Plastic Associations for Solutions on Marine Litter<sup>1</sup> we have launched 355 different projects to reduce marine litter. ACC has also partnered with Ocean Conservancy and joined Circulate Capital which has committed over \$100 million for waste management and recycling infrastructure development in marine litter source countries. We are concerned that the Norway proposal will make it more difficult to solve the marine litter challenge. For these and other reasons, our members have direct and compelling interest in the proposal.

#### Sources of Plastic Marine Litter

Studies show the vast amount of waste that reaches the ocean is a result of inadequate waste collection and illegal dumping, primarily in rapidly emerging economies. The extent of this problem is reinforced by a World Bank and Embassy of Norway report finding that within one of the leading national sources of marine debris only 45-50% of the country's urban solid waste was being collected.<sup>2</sup> Further, enforcement of the country's waste disposal requirements were insufficient to prevent leakage of waste into the environment.

---

<sup>1</sup> <https://www.marinelittersolutions.com/what-we-do/progress-report/>

<sup>2</sup> <http://documents.worldbank.org/curated/en/983771527663689822/Indonesia-Marine-debris-hotspot-rapid-assessment-synthesis-report>

## New Barriers to Proper Management

We are deeply concerned that the proposal by Norway will erect new barriers to the responsible shipment, collection, and recycling of used plastics. As proposed, the amendments increase risks of material mismanagement, especially in countries lacking adequate recycling infrastructure. The lack of adequate in-country infrastructure has contributed to the growth of marine debris. The proposal will exacerbate the many problems arising from inadequate municipal waste management infrastructure.

The proposal falls short of its goal of clarifying the types of plastic waste to be classified as presumptively non-hazardous under Annex IX and those wastes covered by the Convention's Prior Informed Consent procedure. Several key terms in the chapeau require further definition and technical review. For example, creating a category of "single polymer uncontaminated plastic waste" demonstrates a limited technical understanding of the plastic recycling process. Processing mixed polymer waste in an environmentally sound manner is common. In fact, there is high demand for used polyethylene terephthalate bottles, which are typically mixed with caps made from polyethylene or polypropylene when shipped for recycling. The mixture of polymers does not limit recyclability, as separating the polymers is easily done after the material is shredded.

The overly restrictive chapeau criteria and lack of clarity in the proposal will lead to confusion and additional barriers to proper collection and recycling of plastic waste. The current references to "contaminated" and "mixed" lack precision, making it difficult to determine which plastic waste streams would fall under the proposed Annex IX listings and which are to be subject to Basel Convention controls. Similarly, the proposal does not differentiate between waste containing mixed polymers that are easily recycled without significant preparatory treatment, versus waste contaminated with non-recyclable material that requires additional processing. Both types of plastic waste are subject to the Prior Informed Consent process. In addition, the list of resins proposed in Annex IX is incomplete based on our initial review of commercially-available products. Many resins approved for use in food packaging applications are absent from the draft list and should be included in the revised B3010 listing.

WPC and ACC recommend utilizing the proposed Partnership on Plastic Waste to review present definitions and key terms. A shared understanding of the meaning of "plastic", "polymer", "contaminated", and "mixed", along with other key terms is critical to evaluating the impact of proposed changes to the waste listings for plastics under the Convention.

The proposal will increase regulatory and logistical burdens without commensurate benefit, create shipping delays, and in some cases result in a ban on trade. The proposed amendments will also increase costs associated with the transboundary movement of post-use plastics, both for governments and private sector actors working to expand recycling. Those challenges will flow from the legal obligation to coordinate approvals between already overburdened competent authorities in the state of export, the state of import, and any transit countries. An expanded listing for certain plastic wastes under Annex II would also impose new requirements for movement documentation, contractual terms and tracking, and recordkeeping. Increased barriers on global plastics trade will lead to increased burdens on local plastic waste management, regardless of whether the sourcing country has adequate domestic recycling infrastructure.

Disincentivizing these shipments through additional costs and regulatory requirements will not solve the source of the littering and will reduce opportunities for responsible recovery. One of the solutions to lack of recycling infrastructure in rapidly developing countries and small island developing states is likely

to be efficient export of plastics to countries that have environmentally sound recycling infrastructure. However, the regulatory requirements from this proposal would create a barrier that is likely to prevent the scaling up of needed solutions to marine litter.

The time, energy, and resources required to negotiate and implement the amendments could instead be directed at more productive global initiatives to improve plastics waste management practices. The Norwegian proposal will do little, if anything, to support infrastructure improvements or mobilize international resources for those purposes. Instead, the plastics recycling industry would be weakened despite the important contributing role it stands to play in addressing marine litter.

#### Support for Other Actions under the Convention on Plastic Wastes

We support further work under the Basel Convention aimed at combatting marine litter. As an alternative to the new waste listings proposed, we believe Norway's proposal to create a Partnership on Plastic Waste offers a useful global venue to advance policies for sound plastics waste management and reducing leakage of plastic into the ocean. Such an approach will enable the development of initiatives to improve domestic recycling and disposal infrastructure. Experienced gained under the partnership could also inform the need for possible amendments to the Convention that would optimize environmentally sound collection, transport and management.

In addition, we support further discussion by parties at the next COP on the value of preparing practical guidance for the development of national inventories of plastic wastes. The development of tools to help interested countries gain insights into the sources and disposition of plastic wastes could better inform decision-makers at the national and international level interested in combatting marine litter. To ensure plastic wastes are properly managed, we also encourage the COP to commence work on updating the 2002 Technical guidelines for the identification and environmentally sound management of plastic wastes and for their disposal to ensure new recycling and recovery technologies and appropriately described.

Sincerely,

Stewart Harris  
Director, Marine and Environmental Stewardship  
American Chemistry Council

**World Plastics Council:** The World Plastics Council (WPC) is the platform for cooperation that engages the key leaders in the industry to address common issues and opportunities that are increasingly global. Effective and efficient solutions require global approaches and the WPC provides global leaders with the opportunity to deal with current issues in a fully anti-trust compliant forum, and to proactively address emerging issues before they grow and become more complex and expensive for the industry and society to manage.

**American Chemistry Council:** The American Chemistry Council represents the leading companies engaged in the business of chemistry in the United States. The business of chemistry supports over 25% of U.S. gross domestic product and creates the building blocks for 96% of all manufactured goods. As an \$800 billion enterprise, our industry provides 822,000 skilled high-paying American jobs. ACC helped establish The Declaration of the Global Plastics Associations for Solutions on Marine Litter which has led to over 355 projects to reduce marine litter and better control plastic waste. These projects have been undertaken by 74 associations that have signed the Global Declaration in 40 countries. ACC Plastics Division members committed circular economy goals whereby: 100% of plastics packaging is reused, recycled, or recovered by 2040; 100% of plastics packaging is recyclable or recoverable by 2030; and 100% of the U.S. manufacturing sites operated by Plastics Division members participate in Operation Clean Sweep-blue by 2020, with all of their manufacturing sites across North America involved by 2022.



Plastics Division

December 17, 2018

Ms. Juliette Voinov Kohler  
Secretariat of the Basel Convention  
c/o Palais des Nations  
8-14, avenue de la Paix  
1211 Geneva 10  
Switzerland

Via electronic mail: [juliette.kohler@brsmeas.org](mailto:juliette.kohler@brsmeas.org)

Re: UNEP/CHW/OEWG.11/INF/39, *Draft terms of reference for the Basel Convention Partnership on Plastic Wastes as a basis for further consultation.*

Dear Ms. Kohler,

The World Plastics Council (WPC) and American Chemistry Council (ACC) appreciate the opportunity to comment on UNEP/CHW/OEWG.11/INF/39, *Draft terms of reference for the Basel Convention Partnership on Plastic Wastes as a basis for further consultation*. WPC, ACC, and our association allies in other countries are taking steps to eliminate plastic waste in the environment. Under the Declaration of the Global Plastic Associations for Solutions on Marine Litter<sup>1</sup> we have launched 355 projects to reduce marine litter. ACC and WPC have also partnered with Ocean Conservancy and joined Circulate Capital, which has committed over \$100 million for waste management and recycling infrastructure development in marine litter source countries.

Section I. Goal – WPC and ACC strongly support the goal of the Partnership on Plastic Waste. We believe the Partnership offers an effective global venue to advance sound plastics waste management and encourage the Partnership to take a dynamic and active role in engaging and advancing policy with other global initiatives. In fact, studies show lack of waste collection and management in rapidly developing countries is the source of the vast majority of marine litter.<sup>23</sup> Further, Ocean Conservancy's *Stemming the Tide* report shows that collection and management of waste is the most useful solution to the marine litter problem.<sup>4</sup> Partnerships such as those under this proposal will help solve this global problem.

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<sup>1</sup> <https://www.marinelittersolutions.com/about-us/joint-declaration/>

<sup>2</sup> Jambeck et al, Plastic Waste Inputs from Land into the Ocean,  
<http://science.sciencemag.org/content/347/6223/768.full?ijkey=BXtBaPzbQgagE&keytype=ref&siteid=sci>

<sup>3</sup> World Bank Rapid Assessment, Indonesia Marine Debris Hotspot,  
<http://documents.worldbank.org/curated/en/983771527663689822/pdf/126686-29-5-2018-14-18-6-SynthesisReportFullReportAPRILFINAL.pdf>

<sup>4</sup> <https://oceanconservancy.org/wp-content/uploads/2017/04/full-report-stemming-the.pdf>

Section III. Objectives – We agree with recommendation to delete ‘with other global initiatives’. It is implied that work with other global initiatives would be included in working ‘collaboratively’. Inclusion of ‘other global initiatives’ could limit the scope of collaboration of the partnership with regional or national initiatives. We support the reference in the working principles under Section V calling for the working group to “coordinate and cooperate” with other bodies involved in activities concerning the management of plastic wastes. Information sharing and coordination, particularly through the Basel Convention Regional Centers (BCRCs), should be encouraged as work plans are developed.

The term ‘unnecessary or avoidable plastics’ is not defined, is ambiguous, and should be deleted. To illustrate, developed countries may not find water sachets necessary, yet developing nations without access to a reliable supply of potable water would consider this essential. We recommend focusing on sustainability, taking into account the life cycle impacts of plastics and alternatives. The term “single-use plastics” is not defined, is subject to misinterpretation, and should be deleted. It’s worth noting that “single-use” plastic can provide many important benefits that should not be overlooked. For example, “single use” plastic packaging plays an important role in helping to reduce food waste. A study by TruCost showed that replacing plastic packaging with alternatives would result in 3.8 times the environmental impacts, in part due to increased food waste.<sup>5</sup> It would be more productive for the Partnership to identify specific areas of focus such as encouraging circular economy.

An objective the Partnership should include is promoting design and innovation to reduce the amount of plastic becoming waste. We oppose inclusion of “development of alternatives” as part of this objective. Even if the use of alternatives may reduce plastic becoming waste under some circumstances, the alternatives may have increased environmental impacts, such as increased total energy demand, expended energy, water consumption, solid waste by weight and by volume, global warming potential, acidification, eutrophication, smog formation, and ozone depletion.<sup>6</sup>

Promoting recycling and recovery should be listed as an objective and should include chemical recycling and plastics-to-fuel technology. These are examples of innovations that can help to reduce marine debris by capturing the value of post-use plastics as part of a suite of environmentally sound management approaches to plastic waste.

‘Control’ is duplicative with the development of a mechanism to monitor transboundary movement of plastic waste, which will control the movement of plastic waste. We recommend that this objective not be included as it would be difficult to operationalize given that the parties are still in the early stages of considering whether to amend the Convention annexes to control certain plastic wastes. Minimization of plastic waste is covered in Objectives (a) and (c).

WPC and ACC recommend including of an additional objective, promoting and advancing the development of adequate waste management infrastructure to ensure the responsible collection and

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<sup>5</sup> Plastics and Sustainability, <https://plastics.americanchemistry.com/Plastics-and-Sustainability.pdf>

<sup>6</sup> Franklin & Associates, <https://plastics.americanchemistry.com/Reports-and-Publications/LCA-of-Plastic-Packaging-Compared-to-Substitutes.pdf>

disposal of waste. Collection has been identified as the key first step to preventing plastic from leaking into the ocean.<sup>7</sup>

Section IV. Overall tasks – ‘Engaging in monitoring of transboundary movements of plastic wastes’ is a responsibility of national governments and not of the Partnership. This task should be deleted.

To complement the addition above under Objectives, we recommend including a task to promote and advance the development of adequate waste management infrastructure to help ensure the responsible collection and disposal of plastic. We also encourage the Parties to initiate work to update the 2002 Technical Guidelines for the Identification and Environmentally Sound Management of Plastic Wastes and for their Disposal to ensure current environmentally sound management practices and recycling technologies are appropriately referenced and applied.

Section IX. Membership – We support the membership provisions and will communicate with the Secretariat regarding our interest in becoming members of the new Partnership.

WPC and ACC believe the Partnership on Plastic Waste offers a beneficial platform to address leakage of plastic waste into the environment. If adopted by the 14<sup>th</sup> meeting of the Conference of the Parties to the Basel, Rotterdam, and Stockholm Conventions, WPC and ACC would request to be engaged in the Partnership on behalf of global plastic resin producers. If you have any questions or need further information, please contact Stewart Harris, Director, Marine and Environmental Stewardship, American Chemistry Council, at [Stewart\\_Harris@americanchemistry.com](mailto:Stewart_Harris@americanchemistry.com) or 202-249-6626.

Sincerely,

Stewart Harris  
Director, Marine and Environmental Stewardship  
American Chemistry Council, Plastics Division

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<sup>7</sup> Stemming The Tide, <https://oceanconservancy.org/wp-content/uploads/2017/04/full-report-stemming-the.pdf>



**World Plastics Council:** The World Plastics Council (WPC) is the platform for cooperation that engages the key leaders in the industry to address common issues and opportunities that are increasingly global. Effective and efficient solutions require global approaches and the WPC provides global leaders with the opportunity to deal with current issues in a fully anti-trust compliant forum, and to proactively address emerging issues before they grow and become more complex and expensive for the industry and society to manage.

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Message

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**From:** Suzanne Morgan [smorgan@plasticsindustry.org]  
**Sent:** 9/25/2019 12:35:30 PM  
**To:** Yohannes, Lia [Yohannes.Lia@epa.gov]  
**Subject:** Re: Stakeholder mtg: OECD Council Decision & plastic scrap  
**Attachments:** ATT00001.txt

Please do. Thank you!

**Suzanne Morgan**  
Senior Director, Government Affairs & Grassroots Advocacy  
Plastics Industry Association  
d. 202.974.5218 | m. 202.246.6985  
[plasticsindustry.org](http://plasticsindustry.org)

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**From:** Yohannes, Lia <Yohannes.Lia@epa.gov>  
**Sent:** Wednesday, September 25, 2019 8:21:43 AM  
**To:** Suzanne Morgan <smorgan@plasticsindustry.org>  
**Subject:** RE: Stakeholder mtg: OECD Council Decision & plastic scrap

Hi Suzanne,

Should I add your contact info to our Basel stakeholder list in lieu of Scott?

Thanks,

Lia

Liabeth Yohannes  
International Branch  
Office of Resource Conservation and Recovery  
U.S. EPA Office of Land and Emergency Management  
[Yohannes.lia@epa.gov](mailto:Yohannes.lia@epa.gov)  
+1.703.308.8413

---

**From:** Suzanne Morgan <smorgan@plasticsindustry.org>  
**Sent:** Tuesday, September 24, 2019 5:12 PM  
**To:** Yohannes, Lia <Yohannes.Lia@epa.gov>  
**Subject:** Re: Stakeholder mtg: OECD Council Decision & plastic scrap

Yes, I should call in. Thanks.

**Suzanne Morgan**  
Senior Director, Government Affairs & Grassroots Advocacy



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**From:** Patty Long <[plong@plasticsindustry.org](mailto:plong@plasticsindustry.org)> on behalf of Yohannes, Lia <[Yohannes.Lia@epa.gov](mailto:Yohannes.Lia@epa.gov)>  
**Sent:** Tuesday, September 24, 2019 4:59:28 PM  
**To:** Suzanne Morgan <[smorgan@plasticsindustry.org](mailto:smorgan@plasticsindustry.org)>  
**Subject:** FW: Stakeholder mtg: OECD Council Decision & plastic scrap  
**When:** Tuesday, October 1, 2019 1:00 PM-2:00 PM.  
**Where:** # 202-991-0477, code: 3625162#

This just came in for Scott. Any interest in attending?

-----Original Appointment-----

**From:** Yohannes, Lia <[Yohannes.Lia@epa.gov](mailto:Yohannes.Lia@epa.gov)>  
**Sent:** Tuesday, September 24, 2019 4:58 PM  
**To:** Yohannes, Lia; [arnettje@aol.com](mailto:arnettje@aol.com); [bertvolger@comcast.net](mailto:bertvolger@comcast.net); [bessette@cibo.org](mailto:bessette@cibo.org); [blawrence@bethapp.com](mailto:blawrence@bethapp.com); [Info@CarpetCushion.org](mailto:Info@CarpetCushion.org); [ccleet@itic.org](mailto:ccleet@itic.org); [clangworthy@hunton.com](mailto:clangworthy@hunton.com); [cldeford@dow.com](mailto:cldeford@dow.com); ['deborah.jennings@piperrudnick.com'](mailto:'deborah.jennings@piperrudnick.com'); ['debra.jezouit@bakerbotts.com'](mailto:'debra.jezouit@bakerbotts.com'); ['dmflannery@jacksonkelly.com'](mailto:'dmflannery@jacksonkelly.com'); ['dsivin@uaw.net'](mailto:'dsivin@uaw.net'); ['elogan@itic.org'](mailto:'elogan@itic.org'); ['emetzger@bethapp.com'](mailto:'emetzger@bethapp.com'); ['feldman@api.org'](mailto:'feldman@api.org'); ['wawerd@socma.com'](mailto:'wawerd@socma.com'); ['hmedina@uscib.org'](mailto:'hmedina@uscib.org'); ['hquinn@nma.org'](mailto:'hquinn@nma.org'); ['icdamorrow@aol.com'](mailto:'icdamorrow@aol.com'); ['jcooper@npra.org'](mailto:'jcooper@npra.org'); ['jgunnulfen@npra.org'](mailto:'jgunnulfen@npra.org'); ['jkinsman@eei.org'](mailto:'jkinsman@eei.org'); ['dbiderman@swana.org'](mailto:'dbiderman@swana.org'); ['jroewer@eei.org'](mailto:'jroewer@eei.org'); ['julia.hatcher@lw.com'](mailto:'julia.hatcher@lw.com'); ['kclemans@crowell.com'](mailto:'kclemans@crowell.com'); ['khouane.ditthavong@dcpatent.com'](mailto:'khouane.ditthavong@dcpatent.com'); ['ken.racke@corteva.com'](mailto:'ken.racke@corteva.com'); ['kroberts@lawbc.com'](mailto:'kroberts@lawbc.com'); ['kroberts@namc.org'](mailto:'kroberts@namc.org'); ['llevin@epri.com'](mailto:'llevin@epri.com'); ['lzeugin@hunton.com'](mailto:'lzeugin@hunton.com'); ['mar\\_kohorst@nema.org'](mailto:'mar_kohorst@nema.org'); ['mike\\_walls@americanchemistry.com'](mailto:'mike_walls@americanchemistry.com'); ['mpenders@esisecurity.com'](mailto:'mpenders@esisecurity.com'); ['mrossler@eei.org'](mailto:'mrossler@eei.org'); ['nhawkins@dow.com'](mailto:'nhawkins@dow.com'); ['nkennedy@uscib.org'](mailto:'nkennedy@uscib.org'); ['Michelle\\_Orfei@americanchemistry.com'](mailto:'Michelle_Orfei@americanchemistry.com'); ['Patricia.Whiting@simsmm.com'](mailto:'Patricia.Whiting@simsmm.com'); ['phagen@bdlaw.com'](mailto:'phagen@bdlaw.com'); ['pmoffat@verdantlaw.com'](mailto:'pmoffat@verdantlaw.com'); ['qshea@eei.org'](mailto:'qshea@eei.org'); ['ray@croplife.us'](mailto:'ray@croplife.us'); ['holtrf1@comcast.net'](mailto:'holtrf1@comcast.net'); ['Robert\\_Simon@americanchemistry.com'](mailto:'Robert_Simon@americanchemistry.com'); ['rlamotte@bdlaw.com'](mailto:'rlamotte@bdlaw.com'); ['sophia.m.danenberg@boeing.com'](mailto:'sophia.m.danenberg@boeing.com'); ['stephen.harper@intel.com'](mailto:'stephen.harper@intel.com'); ['Jonathan.Stewart@nema.org'](mailto:'Jonathan.Stewart@nema.org'); ['swickd@api.org'](mailto:'swickd@api.org'); ['willie@pcrr.com'](mailto:'willie@pcrr.com'); ['aadler@isri.org'](mailto:'aadler@isri.org'); ['rmacfarlane@crowell.com'](mailto:'rmacfarlane@crowell.com'); ['eyu@crowell.com'](mailto:'eyu@crowell.com'); ['keith\\_christman@americanchemistry.org'](mailto:'keith_christman@americanchemistry.org'); ['kholmes@plasticsindustry.org'](mailto:'kholmes@plasticsindustry.org'); ['jwilliams@etc.org'](mailto:'jwilliams@etc.org'); ['agermain@wasterecycling.org'](mailto:'agermain@wasterecycling.org'); ['Stewart\\_Harris@americanchemistry.com'](mailto:'Stewart_Harris@americanchemistry.com'); ['Anastasia\\_Swearingen@americanchemistry.com'](mailto:'Anastasia_Swearingen@americanchemistry.com'); ['lbotelho@bc-cm.com'](mailto:'lbotelho@bc-cm.com'); ['kroberts@bc-cm.com'](mailto:'kroberts@bc-cm.com'); ['srobinson@wm.com'](mailto:'srobinson@wm.com'); ['mmichener@uscib.org'](mailto:'mmichener@uscib.org'); ['Scott\\_DeFife;rickgoss21@gmail.com'](mailto:'Scott_DeFife;rickgoss21@gmail.com'); ['GKerchner@wileyrein.com'](mailto:'GKerchner@wileyrein.com'); ['SMooney@wileyrein.com'](mailto:'SMooney@wileyrein.com'); ['steve@plasticsrecycling.org'](mailto:'steve@plasticsrecycling.org'); ['jay\\_west@americanchemistry.com'](mailto:'jay_west@americanchemistry.com'); ['rkrock\\_vinylinfo.org'](mailto:'rkrock_vinylinfo.org'); ['Simone@icba-net.org'](mailto:'Simone@icba-net.org'); ['LMSchroeter@dow.com'](mailto:'LMSchroeter@dow.com'); ['JGranger@dow.com'](mailto:'JGranger@dow.com'); ['bouboulisg@personalcarecouncil.org'](mailto:'bouboulisg@personalcarecouncil.org'); ['lberkeyames@nam.org'](mailto:'lberkeyames@nam.org'); ['wingrd@state.gov'](mailto:'wingrd@state.gov'); Clark, Andrew D; Williams, Larke S; Smilansky, Gene; Winch, Emilie; Hinman, Maureen E. EOP/USTR; Stowe, Lauren C. EOP/USTR; 'Kim Copperthite'; Amy Kreps; Picardi, Rick; Coughlan, Laura; Krejcik, Krystal; Bray, Brandon; Ferrante, Joe; Ziegler, Rick  
**Subject:** Stakeholder mtg: OECD Council Decision & plastic scrap

**When:** Tuesday, October 1, 2019 1:00 PM-2:00 PM (UTC-05:00) Eastern Time (US & Canada).

**Where:** # 202-991-0477, code: 3625162#

Dear stakeholders,

We'd like to give a readout of the first in-person meeting (September 19-20) of the OECD Ad Hoc group established to develop an approach for the import and export of plastic scrap among OECD countries under the OECD Council Decision C(2001)107 on the Control of Transboundary Movements Of Wastes Destined For Recovery Operations.

The call-in number for the conference call is 202-991-0477 and the access code is 3625162#

**Background:** As most of you know, the Parties to the Basel Convention recently decided to make most plastic scrap and waste Basel-covered waste which will be subject to a prior notice and consent procedure effective January 1, 2021. While the U.S. is not a Basel Party, the U.S. is able to export and import waste under a legally binding agreement through the Organization for Economic Cooperation and Development (OECD) called the OECD Council Decision C(2001)107 on the Control of Transboundary Movements Of Wastes Destined For Recovery Operations. Because of the changes to the Basel Convention to regulate transboundary movements of most plastic scrap, OECD countries must now decide what level of control to apply to such trade under the OECD Council Decision. The OECD created an Ad Hoc group (the OECD Ad Hoc Task Team) to reach consensus on the issue and the group held its first in-person meeting on September 19-20.

Liabeth Yohannes  
International Branch  
Office of Resource Conservation and Recovery  
U.S. EPA Office of Land and Emergency Management  
[Yohannes.lia@epa.gov](mailto:Yohannes.lia@epa.gov)  
+1.703.308.8413

## Message

---

**From:** Harris, Stewart [Stewart\_Harris@americanchemistry.com]  
**Sent:** 8/30/2019 3:57:47 PM  
**To:** Winch, Emilie [WinchEC@state.gov]; wingrd@state.gov; Clark, Andrew D [ClarkAD@state.gov]; Williams, Larke S [WilliamsLS@state.gov]; Limon, Maureen W [LimonMW@state.gov]; Yohannes, Lia [Yohannes.Lia@epa.gov]; Picardi, Rick [Picardi.Rick@epa.gov]; Hinman, Maureen E. EOP/USTR [Maureen.E.Hinman@ustr.eop.gov]; Stowe, Lauren C. EOP/USTR [Lauren.C.Stowe@ustr.eop.gov]; Amy Kreps [amy.kreps@trade.gov]; Copperthite, Kim [kim.copperthite@trade.gov]  
**CC:** Swearingen, Anastasia [anastasia\_swearingen@americanchemistry.com]; Hagen, Paul [phagen@bdlaw.com]; LaMotte, K. R. [rlamotte@bdlaw.com]  
**Subject:** RE: Follow-Up: Basel Convention Industry Stakeholder Meeting  
**Flag:** Follow up

Hi Emilie and others,

Thank you for the opportunity to provide feedback on the recent changes to the Basel Convention regarding the trade of mixed plastic waste. Following Wednesday's stakeholder meeting, I have included some additional background and comments below from ACC's perspective.

### Plastic Resin Production Growth

ACC represents U.S. chemical companies and plastic resin manufacturers. Economic projections show that population growth and growth of the economic middle class continue to be driven by development in India and China. This growth is driving increased demand for plastics, metals, concrete, paper, and other materials. The plastics industry is responding to these market signals by investing in new manufacturing infrastructure. At the same time, industry recognizes the need to address the growing challenge of plastic waste in the environment.

### ACC Perspective on Basel Impacts

The question regarding impacts of the recent Basel Convention changes for shipment of plastic waste on U.S. businesses, including flows of imports and exports of used plastic for recycling, is best addressed by associations such as ISRI. ACC's interest is connected to the negative impact of the changes on the ability of ACC's member companies to address the global marine debris issue. ACC member companies are investing in infrastructure improvements in developing countries through efforts such as the Alliance to End Plastic Waste. Securing feedstock for these projects will require exporting and importing used plastic for recycling.

### Basel Impacts—Global Investments to Address Plastic Waste

Regardless of the technology used to process used plastics, collection is a critical component of keeping used plastics out of the environment. To incentivize collection, there is a need to create value for these materials. End markets for used plastics vary throughout the world. For example, many areas have strong market demand for used PET to support textile or carpet industries. Developing markets for resins that do not have strong demand as a raw material is needed. Chemical recycling provides an opportunity to expand market demand for used plastics. For example, multi-material, multi-layer packages (such as chip bags) are not able to be recycled through traditional means. This material, however, can be converted back into a liquid form via pyrolysis and then used as feedstock by a chemical company. Restricting trade of mixed plastic waste will make it more difficult to recover these non-recycled plastics, as access to new markets will be limited. It is also not clear how pyrolysis and gasification processes will be treated under Basel or whether outputs from these processes will be considered raw materials or waste products.

Industry is near announcing numerous waste management infrastructure investments in South and Southeast Asia, including mechanical and chemical recycling facilities. It is not possible, nor does it make economic sense, to build such facilities in every country. To operate efficiently, these facilities may have the ability to import material for processing. Additionally, there are existing chemical facilities in the region that could utilize pyrolysis outputs as a feedstock. The Basel changes create a disincentive for these facilities to add pyrolysis units to convert mixed plastic into feedstock. I will provide additional information when these announcements are released.

Follow-up

Let me know if it would be helpful for ACC to provide a briefing on chemical recycling technology and how we see this technology complementing mechanical recycling to address marine debris and plastic waste issues globally.

Thanks,  
Stew

*Stewart Harris* | American Chemistry Council  
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---

**From:** Winch, Emilie [<mailto:WinchEC@state.gov>]  
**Sent:** Friday, August 30, 2019 11:32 AM  
**To:** Winch, Emilie <[WinchEC@state.gov](mailto:WinchEC@state.gov)>  
**Cc:** Wing, Robert D <[WingRD@state.gov](mailto:WingRD@state.gov)>; Clark, Andrew D <[ClarkAD@state.gov](mailto:ClarkAD@state.gov)>; Williams, Larke S <[WilliamsLS@state.gov](mailto:WilliamsLS@state.gov)>; Limon, Maureen W <[LimonMW@state.gov](mailto:LimonMW@state.gov)>; Yohannes, Lia <[Yohannes.Lia@epa.gov](mailto:Yohannes.Lia@epa.gov)>; Picardi, Rick <[Picardi.Rick@epa.gov](mailto:Picardi.Rick@epa.gov)>; Hinman, Maureen E. EOP/USTR <[Maureen.E.Hinman@ustr.eop.gov](mailto:Maureen.E.Hinman@ustr.eop.gov)>; Stowe, Lauren C. EOP/USTR <[Lauren.C.Stowe@ustr.eop.gov](mailto:Lauren.C.Stowe@ustr.eop.gov)>; Amy Kreps <[amy.kreps@trade.gov](mailto:amy.kreps@trade.gov)>; Copperthite, Kim <[kim.copperthite@trade.gov](mailto:kim.copperthite@trade.gov)>  
**Subject:** Follow-Up: Basel Convention Industry Stakeholder Meeting

Dear Industry Stakeholders,

Thank you for joining us at the Department of State and by phone on Wednesday August 28. We appreciated the opportunity to hear from all you on the range of issues associated with the Basel Convention plastic waste amendments. As a follow up to our conversation, we would like to share with you information about the Convention's activities on plastic waste including a link to the Plastic Waste Partnership and the Technical Guidelines:

<http://www.basel.int/Implementation/Plasticwastes/Overview/tabid/6068/Default.aspx>. As a reminder, if you are interested the deadline to join the partnership or guidelines intersessional workgroups is **August 31, 2019**.

To express interest in joining the technical guidelines workgroup contact:

Ms. Carla Valle-Klann (Email: [carla.valle@brsmeas.org](mailto:carla.valle@brsmeas.org), Tel: +41 22 917 86 86, Fax: +41 22 917 80 98).

To express interest in joining the Basel Convention Partnership on Plastic Waste contact:

Ms. Melisa Lim (Email: [melisa.lim@brsmeas.org](mailto:melisa.lim@brsmeas.org), Tel: +41 22 917 82 83, Fax: +41 22 917 80 98); and

Ms. Susan Wingfield (Email: [susan.wingfield@brsmeas.org](mailto:susan.wingfield@brsmeas.org), Tel: +41 22 917 84 06, Fax: +41 22 917 80 98).

We look forward to having further discussion with you about the expected impact of the plastic waste amendments, and would appreciate individual follow up on any of the questions we highlighted at the meeting:

- What are the flows of plastic waste and scrap into and out of the U.S.? What are the volumes of plastic waste and scrap and which countries do they come from, or are received by?
- How is ~~will~~ the flow of plastic waste and scrap expected to change with the implementation of the plastic waste amendments? Have you contacted your foreign counterparts? Are you seeing any changes in the current movement in plastic waste and scrap?
- Do you know what materials that are currently being shipped will be categorized as Annex II and Annex VIII? Would it be possible for any of these materials to be processed to ship as Annex IX?
- What actions are your organizations considering in preparation for the implementation of the amendments?

- Have you seen other countries start to take action toward implementation and/or using the Basel amendments as a rationale for increasing domestic restrictions on importing and/or exporting plastic scrap and waste?

Thank you,

Emilie

**Emilie Winch**

Foreign Affairs Officer

Office of Environmental Quality and Transboundary Issues (OES/EQT)

Bureau of Oceans and International Environmental and Scientific Affairs

U.S. Department of State

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Unclassified

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Message

**From:** Suzanne Morgan [smorgan@plasticsindustry.org]  
**Sent:** 9/24/2019 9:12:07 PM  
**To:** Yohannes, Lia [Yohannes.Lia@epa.gov]  
**Subject:** Re: Stakeholder mtg: OECD Council Decision & plastic scrap

Yes, I should call in. Thanks.

**Suzanne Morgan**

Senior Director, Government Affairs & Grassroots Advocacy  
d. 202.974.5218 | m. 202.246.6985



[plasticsindustry.org](http://plasticsindustry.org)[ThisIsPlastics.com](http://ThisIsPlastics.com)

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**From:** Patty Long <plong@plasticsindustry.org> on behalf of Yohannes, Lia <Yohannes.Lia@epa.gov>  
**Sent:** Tuesday, September 24, 2019 4:59:28 PM  
**To:** Suzanne Morgan <smorgan@plasticsindustry.org>  
**Subject:** FW: Stakeholder mtg: OECD Council Decision & plastic scrap  
**When:** Tuesday, October 1, 2019 1:00 PM-2:00 PM.  
**Where:** # 202-991-0477, code: 3625162#

This just came in for Scott. Any interest in attending?

-----Original Appointment-----

**From:** Yohannes, Lia <Yohannes.Lia@epa.gov>  
**Sent:** Tuesday, September 24, 2019 4:58 PM  
**To:** Yohannes, Lia; [Ex. 6 Personal Privacy (PP)]; [bessette@cibo.org](mailto:bessette@cibo.org); [blawrence@bethapp.com](mailto:blawrence@bethapp.com); [Info@CarpetCushion.org](mailto:Info@CarpetCushion.org); [cdleet@itic.org](mailto:cdleet@itic.org); [clangworthy@hunton.com](mailto:clangworthy@hunton.com); [cldeford@dow.com](mailto:cldeford@dow.com); ['deborah.jennings@piperrudnick.com'](mailto:'deborah.jennings@piperrudnick.com'); ['debra.jezouit@bakerbotts.com'](mailto:'debra.jezouit@bakerbotts.com'); ['dmflannery@jacksonkelly.com'](mailto:'dmflannery@jacksonkelly.com'); ['dsivin@uaw.net'](mailto:'dsivin@uaw.net'); ['elogan@itic.org'](mailto:'elogan@itic.org'); ['emetzger@bethapp.com'](mailto:'emetzger@bethapp.com'); ['feldman@api.org'](mailto:'feldman@api.org'); ['wawerd@socma.com'](mailto:'wawerd@socma.com'); ['hmedina@uscib.org'](mailto:'hmedina@uscib.org'); ['hquinn@nma.org'](mailto:'hquinn@nma.org'); [Ex. 6 Personal Privacy (PP)]; ['jcooper@npra.org'](mailto:'jcooper@npra.org'); ['jgunnulfen@npra.org'](mailto:'jgunnulfen@npra.org'); ['jkinsman@eei.org'](mailto:'jkinsman@eei.org'); ['dbiderman@swana.org'](mailto:'dbiderman@swana.org'); ['jroewer@eei.org'](mailto:'jroewer@eei.org'); ['julia.hatcher@lw.com'](mailto:'julia.hatcher@lw.com'); ['kclemans@crowell.com'](mailto:'kclemans@crowell.com'); ['khouane.ditthavong@dcpatent.com'](mailto:'khouane.ditthavong@dcpatent.com'); ['ken.racke@corteva.com'](mailto:'ken.racke@corteva.com'); ['kroberts@lawbc.com'](mailto:'kroberts@lawbc.com'); ['kroberts@namc.org'](mailto:'kroberts@namc.org'); ['lleivin@epri.com'](mailto:'lleivin@epri.com'); ['lzeugin@hunton.com'](mailto:'lzeugin@hunton.com'); ['mar\\_kohorst@nema.org'](mailto:'mar_kohorst@nema.org'); ['mike\\_walls@americanchemistry.com'](mailto:'mike_walls@americanchemistry.com'); ['mpenders@esecurity.com'](mailto:'mpenders@esecurity.com'); ['mrossler@eei.org'](mailto:'mrossler@eei.org'); ['nhawkins@dow.com'](mailto:'nhawkins@dow.com'); ['nkennedy@uscib.org'](mailto:'nkennedy@uscib.org'); ['Michelle\\_Orfei@americanchemistry.com'](mailto:'Michelle_Orfei@americanchemistry.com'); ['Patricia.Whiting@simsmm.com'](mailto:'Patricia.Whiting@simsmm.com'); ['phagen@bdlaw.com'](mailto:'phagen@bdlaw.com');



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Smilansky, Gene; Winch, Emilie; Hinman, Maureen E. EOP/USTR; Stowe, Lauren C. EOP/USTR; 'Kim Copperthite'; Amy  
Kreps; Picardi, Rick; Coughlan, Laura; Krejcik, Krystal; Bray, Brandon; Ferrante, Joe; Ziegler, Rick  
**Subject:** Stakeholder mtg: OECD Council Decision & plastic scrap  
**When:** Tuesday, October 1, 2019 1:00 PM-2:00 PM (UTC-05:00) Eastern Time (US & Canada).  
**Where:** # 202-991-0477, code: 3625162#

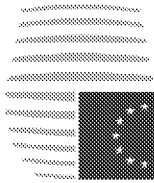
Dear stakeholders,

We'd like to give a readout of the first in-person meeting (September 19-20) of the OECD Ad Hoc group established to develop an approach for the import and export of plastic scrap among OECD countries under the OECD Council Decision C(2001)107 on the Control of Transboundary Movements Of Wastes Destined For Recovery Operations.

The call-in number for the conference call is 202-991-0477 and the access code is 3625162#

**Background:** As most of you know, the Parties to the Basel Convention recently decided to make most plastic scrap and waste Basel-covered waste which will be subject to a prior notice and consent procedure effective January 1, 2021. While the U.S. is not a Basel Party, the U.S. is able to export and import waste under a legally binding agreement through the Organization for Economic Cooperation and Development (OECD) called the OECD Council Decision C(2001)107 on the Control of Transboundary Movements Of Wastes Destined For Recovery Operations. Because of the changes to the Basel Convention to regulate transboundary movements of most plastic scrap, OECD countries must now decide what level of control to apply to such trade under the OECD Council Decision. The OECD created an Ad Hoc group (the OECD Ad Hoc Task Team) to reach consensus on the issue and the group held its first in-person meeting on September 19-20.

Liabeth Yohannes  
International Branch  
Office of Resource Conservation and Recovery  
U.S. EPA Office of Land and Emergency Management  
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+1.703.308.8413



Council of the  
European Union

Brussels, 21 March 2019  
(OR. en)

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Interinstitutional File:  
2019/0008(NLE)

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7575/1/19  
REV 1

LIMITE

ENV 304  
MAR 70  
COMER 43

#### NOTE

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From:	General Secretariat of the Council
To:	Delegations
No. prev. doc.:	7201/19
No. Cion doc.:	5679/19 - COM(2019) 11 final
Subject:	Draft Council Decision on the position to be taken on behalf of the European Union at the 14th Conference of the Parties to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal with regard to certain amendments of Annexes II, VIII, and IX thereto - Revised Presidency compromise text

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Delegations are informed that since the informal silence procedure launched on 15 March was broken by three delegations, a newly revised compromise text, set out in the Annex to this document, has been prepared by the Presidency. In addition to the editorial changes in recital 7 and Article 1(2), an amendment was made in Article 1(1) point c.

Changes to the Commission proposal (doc. 5679/19) are set out in **bold** and [...] for deletions.

With a view to allowing a timely adoption of the Council Decision a new **informal silence procedure** is hereby launched on the attached text. If no comments are transmitted to the Presidency([violeta.dragu@rpro.eu](mailto:violeta.dragu@rpro.eu) and [gabriela.isaac@mmediu.ro](mailto:gabriela.isaac@mmediu.ro)), copying the GSC ([triin.molson@consilium.europa.eu](mailto:triin.molson@consilium.europa.eu), [kai.stolzenburg@consilium.europa.eu](mailto:kai.stolzenburg@consilium.europa.eu), [aline.maretto@consilium.europa.eu](mailto:aline.maretto@consilium.europa.eu) and [environment@consilium.europa.eu](mailto:environment@consilium.europa.eu)), by **Friday, 22 March 2019 12h00**, the text is deemed to be agreed and will be submitted to legal-linguistic examination before its transmission to Coreper and Council.

Draft

**COUNCIL DECISION**

**on the position to be taken on behalf of the European Union at the [...] fourteenth meeting of the Conference of the Parties to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal with regard to certain amendments of Annexes II, VIII and IX thereto**

**THE COUNCIL OF THE EUROPEAN UNION,**

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 192(1), in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal ('the Convention') was concluded by the Union by Council Decision 93/98/EEC concerning the conclusion, on behalf of the Community, of the Basel Convention of 22 March 1989 on the control of transboundary movements of hazardous wastes and their disposal<sup>1</sup> and entered into force in 1992.
- (1a) Regulation (EC) No 1013/2006 of the European Parliament and of the Council of 14 June 2006<sup>2</sup> implements the Convention and Decision C (2001)107/Final of the OECD Council concerning the revision of Decision C(92)39/Final on the control of transboundary movements of wastes destined for recovery operations ("the OECD Decision") in the Union.**

---

<sup>1</sup> OJ L 39, 16.2.1993, p. 1.

<sup>2</sup> **Regulation (EC) No 1013/2006 of the European Parliament and of the Council of 14 June 2006 on shipments of waste (OJ L 190, 12.7.2006, p. 1).**

- (2) **Pursuant to Articles 17 and 18 of the Convention, amendments to the Convention are to be adopted at a meeting of the Conference of the Parties.** Pursuant to Article 15 of the Convention, the Conference of the Parties shall consider and adopt, as required, amendments to the Convention.
- (3) The Conference of the Parties, during its [...] **fourteenth** meeting [...] (**29 April to 10 May 2019**), is to consider the adoption of amendments of the Annexes to the Convention to modify or add entries concerning plastic waste [...]:
- **to add an entry in** Annex II for non-hazardous plastic waste which should be subject to the Convention's control system,
  - **to add an entry in** Annex VIII for hazardous plastic waste which should also be subject to the control system, and
  - **to revise entry B3010 in** Annex IX for non-hazardous plastic waste which should not be subject to the control system, unless such waste contains a material belonging to a category in Annex I to an extent causing it to exhibit a hazardous characteristic in Annex III.
- (4) [...] **Proposals to amend Annexes II, VIII and IX of the Convention, submitted by Norway, were distributed to Parties on 26 October 2018. A correction of the proposal to amend Annex IX was distributed to Parties on 6 December 2018.** With the proposals, non-hazardous plastic waste falling within a revised entry **B3010** in Annex IX will continue to be traded between countries on the same conditions under the Convention as today, while plastic waste requiring special consideration and hazardous plastic waste, in new entries in Annexes II and VIII respectively, would fall under the Convention's control system.

- (5) It is appropriate to establish the position to be taken on the Union's behalf at the **fourteenth meeting of the** Conference of the Parties, as the envisaged act will be binding on the Union and capable of decisively influencing the content of Union law, namely Regulation (EC) No 1013/2006.
- (6) The Union should support the **objectives of** the above amendments of the Annexes to the Convention since they will contribute to improving controls on plastic waste exports, preventing exports of plastic waste to countries lacking adequate infrastructures for effective collection and environmentally sound management of waste, supporting the environmentally sound management of plastic waste, reducing risks that plastic waste finds its way into the environment, and preventing the global environmental problem of marine litter. **The Union should however propose and support changes to the amendments of the Annexes proposed by Norway, with a view to clarifying their scope, improving the text, as well as setting an appropriate later date for application of the amendments than foreseen in Article 18 of the Convention, and thereby facilitating their implementation and enforcement.**
- (7) It is appropriate to maintain the current situation for shipments of **non-hazardous** plastic waste, **including certain mixtures of non-hazardous plastic waste**, within the Union and the EEA, and therefore not use the control system **stemming from the addition of an entry in Annex II** of the [...] Convention for [...] **such shipments [...]. To this end**, the Union should [...], as far as necessary, **use the procedures set out in the OECD Decision and in the Convention (Article 11) to ensure that no additional control is imposed on shipments of [...] non-hazardous plastic waste, including certain mixtures of non-hazardous plastic waste, within the Union and the EEA [...] as a result of a revision of entry B3010 or an amendment to Annex II adopted at the fourteenth meeting of the Conference of the Parties.**

HAS ADOPTED THIS DECISION:

*Article 1*

1. The position to be taken on the Union's behalf at the [...] **fourteenth** meeting of the Conference of the Parties to the Basel Convention **on the Control of Transboundary Movements of Hazardous Wastes and their Disposal** shall be [...] to support [...] amendments of the Annexes to the Convention to modify or add entries concerning plastic waste [...], **subject to the following considerations:**

[...] a) The Union supports the proposal by Norway for the addition of a new entry in Annex VIII for hazardous plastic waste provided that it is clarified that this entry also covers mixtures of hazardous plastic waste;

[...] b) The Union supports the proposal by Norway for the addition of a new entry in Annex II for non-hazardous plastic waste, provided that it is clarified that this entry also covers mixtures of non-hazardous plastic waste and that this new entry is clearly defined inter alia through a clear wording of entry B3010 in Annex IX (see subparagraph c)), with a view to facilitating the implementation and enforcement of the obligations of the Parties in connection with the addition of this entry in Annex II;

[...] c) The Union supports the proposal by Norway for revising entry B3010 in Annex IX, provided that this proposal is amended, with a view to:

- clarifying the scope, so that only non-mixed plastic materials destined for recycling or preparation for reuse, preferably limited to operation R3 in Annex IV, are included in the entry;

- **improving the text and simplifying the definition of the proposed entry, so as to facilitate the implementation and enforcement of the obligations of the Parties in connection with the revision of this entry, notably as this entry is linked to the proposed entry for plastic waste in Annex II (see subparagraph b));**

**d) The Union proposes and supports setting an appropriate later date for application of the amendments than foreseen in Article 18 of the Convention.**

**1a. Refinement of this position, in light of the developments at the fourteenth meeting of the Conference of the Parties to the Convention, may be agreed by representatives of the Union, in consultation with the Member States, through coordination on the spot without further decision of the Council.**

**2. [...] In case a revised entry B3010 or the addition of a new entry for plastic waste in Annex II is adopted at the fourteenth meeting of the Conference of the Parties to the [...] Convention, or in case both are adopted, the Union will [...], as far as necessary, take the steps required under the OECD Decision and the Convention (Article 11) to ensure that the current controls on shipments of non-hazardous plastic waste, including certain mixtures of non-hazardous plastic waste, within the Union and the EEA remain unaffected.**

#### *Article 2*

**This Decision [...] shall enter into force on the date of its adoption.**

Done at Brussels,

*For the Council*

*The President*

**Conference of the Parties to the Basel Convention  
on the Control of Transboundary Movements of  
Hazardous Wastes and Their Disposal  
Fourteenth meeting**  
Geneva, 29 April–10 May 2019  
Agenda item 4 (b) (v)

**Matters related to the implementation of the  
Convention: scientific and technical matters:  
marine plastic litter and microplastics**

**Suggestions by the European Union and its Member States  
relating to the proposals by Norway to amend Annexes II, VIII  
and IX of the Basel Convention**

**Submission by the European Union and its Members States**

**Note by the Secretariat**

The annex to the present note sets out a submission by the European Union and its Members States on suggestions by the European Union and its Member States relating to the proposals by Norway to amend Annexes II, VIII and IX of the Basel Convention. The submission is reproduced as received. The present note, including its annex, has not been formally edited.



## Annex

### **Suggestions by the EU and its Member States relating to the proposals by Norway to amend Annexes II, VIII and IX of the Basel Convention**

#### **(COP14 agenda item 4(b)(v) - Marine plastic litter and microplastics)**

*The EU and its Member States welcome the proposals by Norway to amend Annexes II, VIII and IX of the Convention, which aim at better controlling transboundary movements of plastic waste and supporting their environmentally sound management. The Basel Convention has an important role to play as part of the efforts of the international community to address the serious environmental problems posed by marine litter. The EU and its Member States therefore support the adoption of changes to the Annexes of the Basel Convention at COP14.*

*In order to ensure that the new entries proposed by Norway in Annex II, VIII and IX are clearly understood and thereby can be properly implemented and enforced, the EU and its Member States are proposing in the present document suggestions for changes to the proposals submitted by Norway. These changes are designed to clarify the scope of these entries, as well as the date when they will become effective, and do not fundamentally alter the content of the proposals by Norway. The EU and its Member States look forward to discussing these proposals with all interested Parties and observers at COP14.*

This document contains three sections:

1. A version of the proposed suggestions for changes to the Norwegian proposals in track changes
2. A section explaining the rationale for the proposed changes
3. A clean version of the text of the entries based on our proposed suggestions for changes to the Norwegian proposals

#### **1. Suggestions for changes to the Norwegian proposals (track changes version)**

The text below contains suggestions in track changes compared to the Norwegian proposals.

## **Annex II**

*Proposal for a new entry:*

**Y48<sup>1</sup>: Plastic waste, including mixtures of such wastes, not covered by entry A3210 of Annex VIII or B3010 of Annex IX.**

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<sup>1</sup> **This entry becomes effective as of 30 June 2020;**

## Annex VIII

*Proposal for a new entry:*

### **A3210<sup>2</sup>: Plastic waste**

Plastic waste, **including mixtures of such wastes**, containing or contaminated with Annex I constituents, to an extent that they exhibit an Annex III characteristic (note the related entry on list B B3010)

## Annex IX

*Proposal for a new text **for entry B3010** to replace the existing chapeau of the entry, the existing indents and sub-indents to remain unchanged:*

### **B3010<sup>3</sup> Plastic waste (note the related entry on list A A3210 and the related entry Y48 in Annex II):**

The plastic materials, listed below, provided they are **destined for operation R3 as listed in Annex IVB and** not to an extent which prevents the recycling of the waste in an environmentally sound manner, ~~mixed with each other, mixed with other wastes<sup>4</sup> or contaminated<sup>5</sup>:~~

~~Consignments of such plastic material should be prepared to a specification and suitable for immediate recycling requiring only minimal further mechanical preparatory treatment processes, if any (note the related entry on list A AXXXX):~~

- ~~Serap plastic **waste** of non-halogenated polymers and co-polymers, including but not limited to the following:~~

~~–ethylene  
–styrene  
–polypropylene  
–polyethylene terephthalate  
–acrylonitrile  
–butadiene  
–polyacetals  
–polyamides  
–polybutylene terephthalate  
–polycarbonates  
–polyethers  
–polyphenylene sulphides~~

<sup>2</sup> This entry becomes effective as of 30 June 2020;

<sup>3</sup> This entry becomes effective as of 30 June 2020;

<sup>4</sup> Mixed with other wastes means waste that results from an intentional or unintentional mixing of two or more different wastes, including different non-halogenated polymers, different cured waste resins, different condensation products or different fluorinated polymers.

<sup>5</sup> Contamination may comprise: non-recyclable material, e.g. nappies, rubble, dog waste; non-targeted material, e.g. plastic packaging included in 'plastic bottles only' collections; or targeted materials contaminated with unwanted items, e.g. dirt, stones, food-contaminated cardboard or plastic bottles containing liquids.

- acrylic polymers
- alkanes C10-C13 (plasticiser)
- polyurethane (not containing CFCs)
- polysiloxanes
- polymethyl methacrylate
- polyvinyl alcohol
- polyvinyl butyral
- polyvinyl acetate

- Cured waste resins or condensation products including the following:
  - urea formaldehyde resins
  - phenol formaldehyde resins
  - melamine formaldehyde resins
  - epoxy resins
  - alkyd resins
  - polyamides
- The following fluorinated polymer wastes:
  - perfluoroethylene/propylene (FEP)
  - perfluoro alkoxyl alkane
  - tetrafluoroethylene/per fluoro vinyl ether (PFA)
  - tetrafluoroethylene/per fluoro methylvinyl ether (MFA)
  - polyvinylfluoride (PVF)
  - polyvinylidene fluoride (PVDF)

## 2. Rationale for the suggestions for changes to the Norwegian proposals

In relation to the **proposed entries Y48 and A3210**, the following changes are suggested:

- References to mixtures of plastics have been added in these two entries, to provide an explicit clarification that the scope of these entries covers mixtures;
- Other changes are of editorial nature.

In relation to the **proposed revisions of entry B3010**, the following changes are proposed compared to the Norwegian proposal:

- Addition in the heading to clarify that B3010 is related to both the new entry on list A and the new entry in Annex II.

- Changes in the first sentence of the chapeau to make clear that only plastic waste that is not mixed should be covered by the scope B3010 and that only wastes destined for R3 operations as listed in Annex IVB of the Basel Convention (“*Recycling/reclamation of organic substances which are not used as solvents*”) should fall within the scope of B3010.  
More particularly, it is proposed to delete the words “*to an extent which prevents the recycling of the waste in an environmentally sound manner*” and “*with each other, mixed with other wastes*” in the chapeau of entry B3010; this means that the suggested revised chapeau would read “*The plastic materials, listed below, provided they are destined for operation R3 as listed in Annex IVB and not mixed or contaminated*”. This would respond to the concerns that the formulation “*to an extent which prevents the recycling of the waste in an environmentally sound manner*” was ambiguous, and it simplifies further the text of the chapeau. In order to make clear that the term “*mixed*” covers mixtures of wastes listed in entry B3010, it is proposed to complement the footnote proposed by Norway as follows: “*Mixed means waste that results from an intentional or unintentional mixing of two or more different wastes, including different non-halogenated polymers, different cured waste resins, different condensation products and different fluorinated polymers*”
- Deletion of proposed footnote 4 on contamination: this footnote may add confusion or cause unproductive discussion on more examples to add;
- Deletion of the second sentence of the Norwegian proposal in the chapeau starting with „*Consignments...*“, to simplify and clarify the conditions under which B3010 applies. Especially, the notion of specification is not sufficiently clear, and „*Suitability for immediate recycling*“ and “*minimal further preparatory treatment*” are also open to interpretation. The reference to destination to R3 operation in the first sentence should be sufficient;
- Deletion of the list of sub-indents under the first bullet point and of “*and co-polymers*”: the Norwegian proposal reproduces the long, but only indicative, list of examples of materials which fall under the definition of “*Scrap plastic of non-halogenated polymers and co-polymers*”, reflecting the current text of B3010. This list is however not particularly useful, as it contains materials which are not polymers and does not include other types of polymers. The list does not appear to be indispensable either, as the definition of “*non-halogenated polymers*” seems sufficiently clear. If Parties at COP14 express the need for information on non-halogenated polymers which would be covered by this indent, it could be recommended that this is done as part of the update of the “*Technical Guidelines for the Identification and Environmentally Sound Management of Plastic Wastes and for their Disposal*”, which should be launched at COP14. It is proposed to delete the words “*and co-polymer*”, as all polymers should be covered by this entry and there is no reason to single out co-polymers specifically;

In addition, in relation to **all three entries**, footnotes are proposed to specify that the new entries Y48 and A3210 as well as the revised entry B3010 will only **become effective as from 30 June 2020**. This is designed to provide legal certainty on the actual date when these entries will enter into force, as well as to ensure that there is sufficient time available for the administrations and stakeholders to adapt to the changes agreed at COP14. In the absence of such clause, the entry into force would happen six months after the communication of the changes by the Depositary (in line with Article 18(3) and 18(2) of the Convention). It is not fully clear when this communication will be made and therefore when the entries would become effective

### 3. Clean version based on our suggestions for changes to the Norwegian proposals

For clarity purpose, the text below represents the clean version of the text of the entries based on our suggestions to change the Norwegian proposal.

#### Annex II

*Proposal for a new entry:*

Y48<sup>6</sup>: Plastic waste, including mixtures of such wastes, not covered by entry A3210 of Annex VIII or B3010 of Annex IX.

#### Annex VIII

*Proposal for a new entry:*

A3210<sup>7</sup>: Plastic waste, including mixtures of such wastes, containing or contaminated with Annex I constituents, to an extent that they exhibit an Annex III characteristic (note the related entry on list B B3010)

#### Annex IX

*Proposal for a new text for entry B3010:*

B3010<sup>8</sup> Plastic waste (note the related entry on list A A3210 and the related entry Y48 in Annex II)

The plastic materials, listed below, provided they are destined for operation R3 as listed in Annex IVB and not mixed<sup>9</sup> or contaminated:

- plastic waste of non-halogenated polymers
- Cured waste resins or condensation products including the following:
  - urea formaldehyde resins
  - phenol formaldehyde resins
  - melamine formaldehyde resins
  - epoxy resins
  - alkyd resins
  - polyamides
- The following fluorinated polymer wastes:
  - perfluoroethylene/propylene (FEP)

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<sup>6</sup> This entry becomes effective as of 30 June 2020;

<sup>7</sup> This entry becomes effective as of 30 June 2020;

<sup>8</sup> This entry becomes effective as of 30 June 2020;

<sup>9</sup> Mixed means waste that results from an intentional or unintentional mixing of two or more different wastes, including different non-halogenated polymers, different cured waste resins, different condensation products or different fluorinated polymers.

- perfluoro alkoxyl alkane
  - tetrafluoroethylene/per fluoro vinyl ether (PFA)
  - tetrafluoroethylene/per fluoro methylvinyl ether (MFA)
  - polyvinylfluoride (PVF)
  - polyvinylidene fluoride (PVDF)
-

Message

---

**From:** Yohannes, Lia [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=89264C93FC9242E9B14EAED070CF65F7-YOHANNES, L]  
**Sent:** 10/25/2019 3:24:19 PM  
**To:** West, Jay [Jay\_West@americanchemistry.com]  
**Subject:** RE: Basel and OECD follow-up

Oh, OK. Thanks for the heads up.

Liabeth Yohannes  
International Branch  
Office of Resource Conservation and Recovery  
U.S. EPA Office of Land and Emergency Management  
[Yohannes.lia@epa.gov](mailto:Yohannes.lia@epa.gov)  
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---

**From:** West, Jay <Jay\_West@americanchemistry.com>  
**Sent:** Friday, October 25, 2019 11:01 AM  
**To:** Yohannes, Lia <Yohannes.Lia@epa.gov>  
**Cc:** Harris, Stewart <Stewart\_Harris@americanchemistry.com>  
**Subject:** RE: Basel and OECD follow-up

Your message reminds me that I failed to tell you that I'm not attending the annex review meeting. I have a long-standing commitment to a meeting in China the week after, and it won't work.

*Jay West* | American Chemistry Council  
Senior Director, Chemical Products and Technology  
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O: 202-249-6407 | F: 202-330-5546  
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---

**From:** Yohannes, Lia [<mailto:Yohannes.Lia@epa.gov>]  
**Sent:** Friday, October 25, 2019 10:53 AM  
**To:** West, Jay <[Jay\\_West@americanchemistry.com](mailto:Jay_West@americanchemistry.com)>  
**Cc:** Harris, Stewart <[Stewart\\_Harris@americanchemistry.com](mailto:Stewart_Harris@americanchemistry.com)>  
**Subject:** RE: Basel and OECD follow-up

Yes, that would be helpful – happy to touch base in Slovakia. The Annex review issues are more time sensitive at this point.

Liabeth Yohannes  
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Office of Resource Conservation and Recovery  
U.S. EPA Office of Land and Emergency Management  
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---

**From:** West, Jay <[Jay\\_West@americanchemistry.com](mailto:Jay_West@americanchemistry.com)>  
**Sent:** Friday, October 25, 2019 10:50 AM  
**To:** Yohannes, Lia <[Yohannes.Lia@epa.gov](mailto:Yohannes.Lia@epa.gov)>

**Cc:** Harris, Stewart <Stewart\_Harris@americanchemistry.com>

**Subject:** RE: Basel and OECD follow-up

Thank you, Lia.

What is your timing for a response on the fluorinated polymers question? I suspect you want information a few days before the Secretariat's deadline.

**Jay West | American Chemistry Council**  
**Senior Director, Chemical Products and Technology**

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---

**From:** Yohannes, Lia [<mailto:Yohannes.Lia@epa.gov>]

**Sent:** Friday, October 25, 2019 10:10 AM

**To:** West, Jay <[Jay\\_West@americanchemistry.com](mailto:Jay_West@americanchemistry.com)>

**Cc:** Harris, Stewart <Stewart\_Harris@americanchemistry.com>

**Subject:** RE: Basel and OECD follow-up

Jay and Stew,

Just a heads up that I'll be inviting another EPA colleague to join our call on Monday. Renee Bellew works in our Dallas office (Region 6) and is helping out on some of the OECD info request.

Lia

Liabeth Yohannes

International Branch

Office of Resource Conservation and Recovery

U.S. EPA Office of Land and Emergency Management

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---

**From:** West, Jay <[Jay\\_West@americanchemistry.com](mailto:Jay_West@americanchemistry.com)>

**Sent:** Thursday, October 24, 2019 3:28 PM

**To:** Yohannes, Lia <[Yohannes.Lia@epa.gov](mailto:Yohannes.Lia@epa.gov)>

**Cc:** Harris, Stewart <Stewart\_Harris@americanchemistry.com>

**Subject:** RE: Basel and OECD follow-up

Lia,

Stew is on travel tomorrow, and I'm leading a meeting on Monday that won't adjourn until 4. Can we do a call at 4 p.m.? Monday will also give me time to seek information to inform your second bullet.

In the meantime, I wanted to share with you the attached open access paper, *A Critical Review of the Application of Polymer of Low Concern and Regulatory Criteria to Fluoropolymers*. It examines PTFE, PFA, and FEP against low-concern criteria. We plan to submit this paper to the Task Group.

**Jay West | American Chemistry Council**  
**Senior Director, Chemical Products and Technology**

[Jay\\_West@americanchemistry.com](mailto:Jay_West@americanchemistry.com)



---

**From:** Yohannes, Lia [<mailto:Yohannes.Lia@epa.gov>]  
**Sent:** Thursday, October 24, 2019 12:37 PM  
**To:** West, Jay <[Jay\\_West@americanchemistry.com](mailto:Jay_West@americanchemistry.com)>  
**Cc:** Harris, Stewart <[Stewart\\_Harris@americanchemistry.com](mailto:Stewart_Harris@americanchemistry.com)>  
**Subject:** Basel and OECD follow-up

Jay and Stewart,

Hope you're both well. I was wondering if you might have some time to discuss a couple of Basel and OECD issues:

- The more immediate question is related to Basel Annex review. I'd like to get your insights on what issues you anticipate might be raised at the upcoming Annex review meeting regarding potential proposals to modify Annex I/III to address plastic scrap/waste. Also welcome your input on any other key issues in the Annex review process that you'd like to flag.
- On the OECD side, it would be good to get your input on PTFE and the other fluorinated polymers on the existing OECD B3010 listing. Do you know the extent to which these polymers are traded/recycled/sent for recovery within the OECD? Any information about the technologies used in their recycling and recovery that help ensure their environmentally sound management would also be helpful.

Do you have availability tomorrow or Monday? I'm pretty flexible both days.

Thanks

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Message

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**From:** Yohannes, Lia [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=89264C93FC9242E9B14EAED070CF65F7-YOHANNES, L]  
**Sent:** 2/22/2019 9:13:16 PM  
**To:** Harris, Stewart [Stewart\_Harris@americanchemistry.com]  
**CC:** Picardi, Rick [Picardi.Rick@epa.gov]; Weber, Katherine P [WeberKP@state.gov]; Clark, Andrew D [ClarkAD@state.gov]  
**Subject:** RE: Basel Convention

Great, that'll work! Thanks for the quick follow-up. I'll send out a meeting invite now.

Liabeth Yohannes  
USEPA - OLEM  
Office of Resource Conservation and Recovery  
International Branch  
e: [Yohannes.lia@epa.gov](mailto:Yohannes.lia@epa.gov)  
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---

**From:** Harris, Stewart <Stewart\_Harris@americanchemistry.com>  
**Sent:** Friday, February 22, 2019 3:59 PM  
**To:** Yohannes, Lia <Yohannes.Lia@epa.gov>  
**Cc:** Picardi, Rick <Picardi.Rick@epa.gov>; Weber, Katherine P <WeberKP@state.gov>; Clark, Andrew D <ClarkAD@state.gov>  
**Subject:** RE: Basel Convention

Hi Lia,

I appreciate the follow-up. There seem to be a lot of developments with Basel, including the EU's planned support, which is very troubling.

Friday would be great, as we have a meeting with our board on Thursday and will be discussing Basel.

Does 3pm Friday work for a call?

Thanks,  
Stew

*Stewart Harris* | American Chemistry Council  
Director, Marine and Environmental Stewardship, Plastics Division  
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---

**From:** Yohannes, Lia [<mailto:Yohannes.Lia@epa.gov>]  
**Sent:** Friday, February 22, 2019 3:56 PM  
**To:** Harris, Stewart <[Stewart\\_Harris@americanchemistry.com](mailto:Stewart_Harris@americanchemistry.com)>  
**Cc:** Picardi, Rick <[Picardi.Rick@epa.gov](mailto:Picardi.Rick@epa.gov)>; Weber, Katherine P <[WeberKP@state.gov](mailto:WeberKP@state.gov)>; Clark, Andrew D <[ClarkAD@state.gov](mailto:ClarkAD@state.gov)>  
**Subject:** RE: Basel Convention

Hi Stew,

Thanks for reaching out to discuss Norway's Basel proposals and for sharing ACC's comments and other materials. All very useful. We'd be happy to set up a call to discuss further. We work closely with the State Department on Basel and so I've added Kate Weber to this email.

We're available next week on Wednesday (between 3-5pm) or Friday afternoon. Would either of those work for you?

Look forward to touching base.

Best,  
Lia

Liabeth Yohannes  
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---

**From:** Harris, Stewart <[Stewart\\_Harris@americanchemistry.com](mailto:Stewart_Harris@americanchemistry.com)>  
**Sent:** Thursday, February 7, 2019 2:10 PM  
**To:** Picardi, Rick <[Picardi.Rick@epa.gov](mailto:Picardi.Rick@epa.gov)>  
**Cc:** Yohannes, Lia <[Yohannes.Lia@epa.gov](mailto:Yohannes.Lia@epa.gov)>  
**Subject:** RE: Basel Convention

Hi Rick,

Thanks for the note. I have been on the road a bit too much and could not remember who had the lead at EPA for Basel and so reached out to Walker and Janice!

Yes, I was invited to the stakeholder call with State and have been in close contact with staff.

Given the interest of Assistant Administrator McIntosh I thought it would be good to provide an update to your team as well. As you see from our previous comments and the proposed change, we are evolving our position on Basel.

It would be great to connect with you and Lia when she returns.

Take care,  
Stew

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Director, Marine and Environmental Stewardship, Plastics Division  
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---

**From:** Picardi, Rick [<mailto:Picardi.Rick@epa.gov>]  
**Sent:** Thursday, February 7, 2019 2:03 PM  
**To:** Harris, Stewart <[Stewart\\_Harris@americanchemistry.com](mailto:Stewart_Harris@americanchemistry.com)>

**Cc:** Yohannes, Lia <[Yohannes.Lia@epa.gov](mailto:Yohannes.Lia@epa.gov)>

**Subject:** FW: Basel Convention

Hi Stewart

It was good to meet you at the AHOEEG meeting in Geneva. I hope you had wonderful holidays.

Thanks for the materials and comments. My office is closely following and responding to the Norwegian proposals on plastic. My office is the one that sends EPA representatives to Basel Convention meetings. We work with counterparts at the State Department who are also part of the U.S. government delegation at Basel meetings. State organized an industry stakeholder conference call on January 31 to discuss the Norwegian proposals. Were you invited to that call? If not, I'll ask State to invite you to future stakeholder meetings.

We'd be glad to talk to you about the Norwegian proposals. Our Basel lead is Lia Yohannes. She's in Argentina now but gets back in a week and a half.

Thanks

Rick Picardi

Chief, International Branch

Material Recovery and Waste Management Division

Office of Resource Conservation and Recovery

US EPA Office of Land and Emergency Management

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[picardi.rick@epa.gov](mailto:picardi.rick@epa.gov)

---

**From:** Devlin, Betsy

**Sent:** Thursday, February 07, 2019 1:27 PM

**To:** Picardi, Rick <[Picardi.Rick@epa.gov](mailto:Picardi.Rick@epa.gov)>

**Subject:** FW: Basel Convention

---

**From:** Smith, Walker

**Sent:** Thursday, February 7, 2019 11:55 AM

**To:** Devlin, Betsy <[Devlin.Betsy@epa.gov](mailto:Devlin.Betsy@epa.gov)>

**Subject:** FW: Basel Convention

Per my phone call

*Walker B. Smith*

*Director*

*Office of Global Affairs and Policy*

*Office of International and Tribal Affairs*

*U.S. Environmental Protection Agency*

*202.564.4044*

---

**From:** Harris, Stewart [[mailto:Stewart\\_Harris@americanchemistry.com](mailto:Stewart_Harris@americanchemistry.com)]

**Sent:** Wednesday, February 06, 2019 8:03 PM

**To:** Smith, Walker <[Smith.Walker@epa.gov](mailto:Smith.Walker@epa.gov)>; Sims, JaniceHQ <[Sims.JaniceHQ@epa.gov](mailto:Sims.JaniceHQ@epa.gov)>

**Subject:** Basel Convention

Hi Walker and Janice,

I can't recall if either of you work Basel, but I thought I would reach out to provide a quick update. Last year, Keith, Steve, and I met with Chad to talk about international issues generally. He asked that we keep him informed on Basel among other things.

Let me know if you have any questions or would like to discuss our thinking.

Take care,  
Stew

*Stewart Harris* | American Chemistry Council  
Director, Marine and Environmental Stewardship, Plastics Division  
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[www.americanchemistry.com/plastics](http://www.americanchemistry.com/plastics)  
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---

**From:** Harris, Stewart  
**Sent:** Wednesday, February 6, 2019 7:53 PM  
**To:** McIntosh, Chad <[mcintosh.chad@epa.gov](mailto:mcintosh.chad@epa.gov)>  
**Cc:** Zumwalt, Bryan <[Bryan\\_Zumwalt@americanchemistry.com](mailto:Bryan_Zumwalt@americanchemistry.com)>; Keith Christman  
([Keith\\_Christman@americanchemistry.com](mailto:Keith_Christman@americanchemistry.com)) <[Keith\\_Christman@americanchemistry.com](mailto:Keith_Christman@americanchemistry.com)>  
**Subject:** Basel Convention

Hi Chad,

I hope you are well.

ACC is in the process of updating our strategy for the Basel Convention consideration of plastic waste. In addition to supporting the creation of a Partnership on Plastic Waste and opposing Norway's proposal, we are considering supporting a review of the annexes for plastic waste.

The attached document was sent to our member companies in advance of an upcoming board meeting. Initial feedback I received has been good, with members stressing that we remain deeply engaged in the Partnership on Plastics Waste (assuming the COP approves its creation) as well as any effort to review the annexes. Also attached are ACC's comments on the Partnership on Plastic Waste and Norway's proposal to amend the annexes.

I recently learned that the EU is considering supporting the Norway proposal to amend the annexes for plastic waste under Basel, if an exemption is added for trade within Europe. I am very concerned that if the EU supports the Norway proposal there will be few countries left to push back. I am in touch with my colleagues at PlasticsEurope who are working the issue.

Keith and I are happy to meet or jump on a call to discuss our thinking. I will keep you informed as we move forward.

Take care,  
Stew

*Stewart Harris* | American Chemistry Council  
Director, Marine and Environmental Stewardship, Plastics Division  
[Stewart\\_Harris@americanchemistry.com](mailto:Stewart_Harris@americanchemistry.com)

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Message

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**From:** Yohannes, Lia [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=89264C93FC9242E9B14EAED070CF65F7-YOHANNES, L]  
**Sent:** 2/22/2019 8:55:42 PM  
**To:** Harris, Stewart [Stewart\_Harris@americanchemistry.com]  
**CC:** Picardi, Rick [Picardi.Rick@epa.gov]; Weber, Katherine P [WeberKP@state.gov]; Clark, Andrew D [ClarkAD@state.gov]  
**Subject:** RE: Basel Convention

Hi Stew,

Thanks for reaching out to discuss Norway's Basel proposals and for sharing ACC's comments and other materials. All very useful. We'd be happy to set up a call to discuss further. We work closely with the State Department on Basel and so I've added Kate Weber to this email.

We're available next week on Wednesday (between 3-5pm) or Friday afternoon. Would either of those work for you?

Look forward to touching base.

Best,  
Lia

Liabeth Yohannes  
USEPA - OLEM  
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e: [Yohannes.lia@epa.gov](mailto:Yohannes.lia@epa.gov)  
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---

**From:** Harris, Stewart <Stewart\_Harris@americanchemistry.com>  
**Sent:** Thursday, February 7, 2019 2:10 PM  
**To:** Picardi, Rick <Picardi.Rick@epa.gov>  
**Cc:** Yohannes, Lia <Yohannes.Lia@epa.gov>  
**Subject:** RE: Basel Convention

Hi Rick,

Thanks for the note. I have been on the road a bit too much and could not remember who had the lead at EPA for Basel and so reached out to Walker and Janice!

Yes, I was invited to the stakeholder call with State and have been in close contact with staff.

Given the interest of Assistant Administrator McIntosh I thought it would be good to provide an update to your team as well. As you see from our previous comments and the proposed change, we are evolving our position on Basel.

It would be great to connect with you and Lia when she returns.

Take care,  
Stew

*Stewart Harris* | American Chemistry Council  
Director, Marine and Environmental Stewardship, Plastics Division  
[Stewart\\_Harris@americanchemistry.com](mailto:Stewart_Harris@americanchemistry.com)



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[www.americanchemistry.com/plastics](http://www.americanchemistry.com/plastics)  
[MarineLitterSolutions.com](http://MarineLitterSolutions.com)

---

**From:** Picardi, Rick [<mailto:Picardi.Rick@epa.gov>]  
**Sent:** Thursday, February 7, 2019 2:03 PM  
**To:** Harris, Stewart <[Stewart\\_Harris@americanchemistry.com](mailto:Stewart_Harris@americanchemistry.com)>  
**Cc:** Yohannes, Lia <[Yohannes.Lia@epa.gov](mailto:Yohannes.Lia@epa.gov)>  
**Subject:** FW: Basel Convention

Hi Stewart

It was good to meet you at the AHOEEG meeting in Geneva. I hope you had wonderful holidays.

Thanks for the materials and comments. My office is closely following and responding to the Norwegian proposals on plastic. My office is the one that sends EPA representatives to Basel Convention meetings. We work with counterparts at the State Department who are also part of the U.S. government delegation at Basel meetings. State organized an industry stakeholder conference call on January 31 to discuss the Norwegian proposals. Were you invited to that call? If not, I'll ask State to invite you to future stakeholder meetings.

We'd be glad to talk to you about the Norwegian proposals. Our Basel lead is Lia Yohannes. She's in Argentina now but gets back in a week and a half.

Thanks  
Rick Picardi  
Chief, International Branch  
Material Recovery and Waste Management Division  
Office of Resource Conservation and Recovery  
US EPA Office of Land and Emergency Management  
+1 703-308-8879  
[picardi.rick@epa.gov](mailto:picardi.rick@epa.gov)

---

**From:** Devlin, Betsy  
**Sent:** Thursday, February 07, 2019 1:27 PM  
**To:** Picardi, Rick <[Picardi.Rick@epa.gov](mailto:Picardi.Rick@epa.gov)>  
**Subject:** FW: Basel Convention

---

**From:** Smith, Walker  
**Sent:** Thursday, February 7, 2019 11:55 AM  
**To:** Devlin, Betsy <[Devlin.Betsy@epa.gov](mailto:Devlin.Betsy@epa.gov)>  
**Subject:** FW: Basel Convention

Per my phone call

*Walker B. Smith*  
*Director*  
*Office of Global Affairs and Policy*

Office of International and Tribal Affairs  
U.S. Environmental Protection Agency  
202.564.4044

---

**From:** Harris, Stewart [[mailto:Stewart\\_Harris@americanchemistry.com](mailto:Stewart_Harris@americanchemistry.com)]  
**Sent:** Wednesday, February 06, 2019 8:03 PM  
**To:** Smith, Walker <[Smith.Walker@epa.gov](mailto:Smith.Walker@epa.gov)>; Sims, JaniceHQ <[Sims.JaniceHQ@epa.gov](mailto:Sims.JaniceHQ@epa.gov)>  
**Subject:** Basel Convention

Hi Walker and Janice,

I can't recall if either of you work Basel, but I thought I would reach out to provide a quick update. Last year, Keith, Steve, and I met with Chad to talk about international issues generally. He asked that we keep him informed on Basel among other things.

Let me know if you have any questions or would like to discuss our thinking.

Take care,  
Stew

*Stewart Harris* | American Chemistry Council  
Director, Marine and Environmental Stewardship, Plastics Division  
[Stewart\\_Harris@americanchemistry.com](mailto:Stewart_Harris@americanchemistry.com)  
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[www.americanchemistry.com/plastics](http://www.americanchemistry.com/plastics)  
[MarineLitterSolutions.com](http://MarineLitterSolutions.com)

---

**From:** Harris, Stewart  
**Sent:** Wednesday, February 6, 2019 7:53 PM  
**To:** McIntosh, Chad <[mcintosh.chad@epa.gov](mailto:mcintosh.chad@epa.gov)>  
**Cc:** Zumwalt, Bryan <[Bryan\\_Zumwalt@americanchemistry.com](mailto:Bryan_Zumwalt@americanchemistry.com)>; Keith Christman  
([Keith\\_Christman@americanchemistry.com](mailto:Keith_Christman@americanchemistry.com)) <[Keith\\_Christman@americanchemistry.com](mailto:Keith_Christman@americanchemistry.com)>  
**Subject:** Basel Convention

Hi Chad,

I hope you are well.

ACC is in the process of updating our strategy for the Basel Convention consideration of plastic waste. In addition to supporting the creation of a Partnership on Plastic Waste and opposing Norway's proposal, we are considering supporting a review of the annexes for plastic waste.

The attached document was sent to our member companies in advance of an upcoming board meeting. Initial feedback I received has been good, with members stressing that we remain deeply engaged in the Partnership on Plastics Waste (assuming the COP approves its creation) as well as any effort to review the annexes. Also attached are ACC's comments on the Partnership on Plastic Waste and Norway's proposal to amend the annexes.

I recently learned that the EU is considering supporting the Norway proposal to amend the annexes for plastic waste under Basel, if an exemption is added for trade within Europe. I am very concerned that if the EU supports the Norway

proposal there will be few countries left to push back. I am in touch with my colleagues at PlasticsEurope who are working the issue.

Keith and I are happy to meet or jump on a call to discuss our thinking. I will keep you informed as we move forward.

Take care,  
Stew

*Stewart Harris* | American Chemistry Council  
Director, Marine and Environmental Stewardship, Plastics Division  
[Stewart\\_Harris@americanchemistry.com](mailto:Stewart_Harris@americanchemistry.com)  
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Message

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**From:** Yohannes, Lia [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=89264C93FC9242E9B14EAED070CF65F7-YOHANNES, L]  
**Sent:** 9/25/2019 12:36:41 PM  
**To:** Suzanne Morgan [smorgan@plasticsindustry.org]  
**Subject:** RE: Stakeholder mtg: OECD Council Decision & plastic scrap

Will do. Thanks for your prompt response!

Liabeth Yohannes  
International Branch  
Office of Resource Conservation and Recovery  
U.S. EPA Office of Land and Emergency Management  
[Yohannes.lia@epa.gov](mailto:Yohannes.lia@epa.gov)  
+1.703.308.8413

---

**From:** Suzanne Morgan <smorgan@plasticsindustry.org>  
**Sent:** Wednesday, September 25, 2019 8:36 AM  
**To:** Yohannes, Lia <Yohannes.Lia@epa.gov>  
**Subject:** Re: Stakeholder mtg: OECD Council Decision & plastic scrap

Please do. Thank you!

**Suzanne Morgan**  
Senior Director, Government Affairs & Grassroots Advocacy  
Plastics Industry Association  
d. 202.974.5218 | m. 202.246.6985  
[plasticsindustry.org](http://plasticsindustry.org)

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**From:** Yohannes, Lia <[Yohannes.Lia@epa.gov](mailto:Yohannes.Lia@epa.gov)>  
**Sent:** Wednesday, September 25, 2019 8:21:43 AM  
**To:** Suzanne Morgan <[smorgan@plasticsindustry.org](mailto:smorgan@plasticsindustry.org)>  
**Subject:** RE: Stakeholder mtg: OECD Council Decision & plastic scrap

Hi Suzanne,

Should I add your contact info to our Basel stakeholder list in lieu of Scott?

Thanks,

Lia

Liabeth Yohannes  
International Branch  
Office of Resource Conservation and Recovery

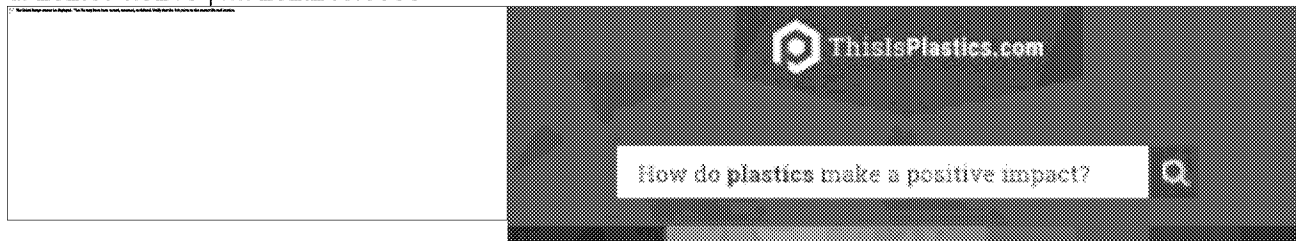
U.S. EPA Office of Land and Emergency Management  
[Yohannes.Lia@epa.gov](mailto:Yohannes.Lia@epa.gov)  
+1.703.308.8413

---

**From:** Suzanne Morgan <[smorgan@plasticsindustry.org](mailto:smorgan@plasticsindustry.org)>  
**Sent:** Tuesday, September 24, 2019 5:12 PM  
**To:** Yohannes, Lia <[Yohannes.Lia@epa.gov](mailto:Yohannes.Lia@epa.gov)>  
**Subject:** Re: Stakeholder mtg: OECD Council Decision & plastic scrap

Yes, I should call in. Thanks.

**Suzanne Morgan**  
Senior Director, Government Affairs & Grassroots Advocacy  
d. 202.974.5218 | m. 202.246.6985



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**From:** Patty Long <[plong@plasticsindustry.org](mailto:plong@plasticsindustry.org)> on behalf of Yohannes, Lia <[Yohannes.Lia@epa.gov](mailto:Yohannes.Lia@epa.gov)>  
**Sent:** Tuesday, September 24, 2019 4:59:28 PM  
**To:** Suzanne Morgan <[smorgan@plasticsindustry.org](mailto:smorgan@plasticsindustry.org)>  
**Subject:** FW: Stakeholder mtg: OECD Council Decision & plastic scrap  
**When:** Tuesday, October 1, 2019 1:00 PM-2:00 PM.  
**Where:** # 202-991-0477, code: 3625162#

This just came in for Scott. Any interest in attending?

-----Original Appointment-----

**From:** Yohannes, Lia <[Yohannes.Lia@epa.gov](mailto:Yohannes.Lia@epa.gov)>  
**Sent:** Tuesday, September 24, 2019 4:58 PM  
**To:** Yohannes, Lia; [Ex. 6 Personal Privacy (PP)]; [bessette@cibo.org](mailto:bessette@cibo.org); [blawrence@bethapp.com](mailto:blawrence@bethapp.com); [Info@CarpetCushion.org](mailto:Info@CarpetCushion.org); [cdelet@itic.org](mailto:cdelet@itic.org); [clangworthy@hunton.com](mailto:clangworthy@hunton.com); [cldeford@dow.com](mailto:cldeford@dow.com); ['deborah.jennings@piperrudnick.com'](mailto:'deborah.jennings@piperrudnick.com'); ['debra.jezouit@bakerbotts.com'](mailto:'debra.jezouit@bakerbotts.com'); ['dmflannery@jacksonkelly.com'](mailto:'dmflannery@jacksonkelly.com'); ['dsivin@uaw.net'](mailto:'dsivin@uaw.net'); ['elogan@itic.org'](mailto:'elogan@itic.org'); ['emetzger@bethapp.com'](mailto:'emetzger@bethapp.com'); ['feldman@api.org'](mailto:'feldman@api.org'); ['wawerd@socma.com'](mailto:'wawerd@socma.com'); ['hmedina@uscib.org'](mailto:'hmedina@uscib.org'); ['hquinn@nma.org'](mailto:'hquinn@nma.org'); [Ex. 6 Personal Privacy (PP)]; ['jcooper@npra.org'](mailto:'jcooper@npra.org'); ['jgunnulfen@npra.org'](mailto:'jgunnulfen@npra.org'); ['jkinsman@eei.org'](mailto:'jkinsman@eei.org'); ['dbiderman@swana.org'](mailto:'dbiderman@swana.org'); ['jroewer@eei.org'](mailto:'jroewer@eei.org'); ['julia.hatcher@lw.com'](mailto:'julia.hatcher@lw.com'); ['kclemans@crowell.com'](mailto:'kclemans@crowell.com'); ['khouane.ditthavong@dcpatent.com'](mailto:'khouane.ditthavong@dcpatent.com'); ['ken.racke@corteva.com'](mailto:'ken.racke@corteva.com'); ['kroberts@lawbc.com'](mailto:'kroberts@lawbc.com'); ['kroberts@namc.org'](mailto:'kroberts@namc.org');

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 'mpenders@esecurity.com'; 'mrossler@eei.org'; 'nhawkins@dow.com'; 'nkennedy@uscib.org';  
 'Michelle\_Orfei@americanchemistry.com'; 'Patricia.Whiting@simsmm.com'; 'phagen@bdlaw.com';  
 'pmoffat@verdantlaw.com'; 'qshea@eei.org'; 'ray@croplife.us'; **Ex. 6 Personal Privacy (PP)**  
 'Robert\_Simon@americanchemistry.com'; 'rlamotte@bdlaw.com'; 'sophia.m.danenberg@boeing.com';  
 'stephen.harper@intel.com'; 'Jonathan.Stewart@nema.org'; 'swickd@api.org'; 'willie@pcrr.com'; 'aadler@isri.org';  
 'rmacfarlane@crowell.com'; 'eyu@crowell.com'; 'keith\_christman@americanchemistry.org';  
 'kholmes@plasticsindustry.org'; 'jwilliams@etc.org'; 'agermain@wasterecycling.org';  
 'Stewart\_Harris@americanchemistry.com'; 'Anastasia\_Swearingen@americanchemistry.com'; 'lbotelho@bc-cm.com';  
 'kroberts@bc-cm.com'; 'srobinson@wm.com'; 'mmichener@uscib.org'; 'Scott DeFife'; **Ex. 6 Personal Privacy (PP)**  
 'GKerchner@wileyrein.com'; 'SMooney@wileyrein.com'; 'steve@plasticsrecycling.org'; 'jay\_west@americanchemistry.com';  
 'rkrock\_vinylinfo.org'; 'Simone@icba-net.org'; 'LMSchroeter@dow.com'; 'JGranger@dow.com';  
 'bouboulis@personalcarecouncil.org'; 'Lberkeyames@nam.org'; 'wingrd@state.gov'; Clark, Andrew D; Williams, Larke S;  
 Smilansky, Gene; Winch, Emilie; Hinman, Maureen E. EOP/USTR; Stowe, Lauren C. EOP/USTR; 'Kim Copperthite'; Amy  
 Kreps; Picardi, Rick; Coughlan, Laura; Krejcik, Krystal; Bray, Brandon; Ferrante, Joe; Ziegler, Rick  
**Subject:** Stakeholder mtg: OECD Council Decision & plastic scrap  
**When:** Tuesday, October 1, 2019 1:00 PM-2:00 PM (UTC-05:00) Eastern Time (US & Canada).  
**Where:** # **Ex. 6 Personal Privacy (PP)**

Dear stakeholders,

We'd like to give a readout of the first in-person meeting (September 19-20) of the OECD Ad Hoc group established to develop an approach for the import and export of plastic scrap among OECD countries under the OECD Council Decision C(2001)107 on the Control of Transboundary Movements Of Wastes Destined For Recovery Operations.

The call-in number for the conference call is 202-991-0477 and the access code is 3625162#

**Background:** As most of you know, the Parties to the Basel Convention recently decided to make most plastic scrap and waste Basel-covered waste which will be subject to a prior notice and consent procedure effective January 1, 2021. While the U.S. is not a Basel Party, the U.S. is able to export and import waste under a legally binding agreement through the Organization for Economic Cooperation and Development (OECD) called the OECD Council Decision C(2001)107 on the Control of Transboundary Movements Of Wastes Destined For Recovery Operations. Because of the changes to the Basel Convention to regulate transboundary movements of most plastic scrap, OECD countries must now decide what level of control to apply to such trade under the OECD Council Decision. The OECD created an Ad Hoc group (the OECD Ad Hoc Task Team) to reach consensus on the issue and the group held its first in-person meeting on September 19-20.

Liabeth Yohannes  
 International Branch  
 Office of Resource Conservation and Recovery  
 U.S. EPA Office of Land and Emergency Management  
[Yohannes.lia@epa.gov](mailto:Yohannes.lia@epa.gov)  
 +1.703.308.8413

Message

**From:** Yohannes, Lia [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=89264C93FC9242E9B14EAED070CF65F7-YOHANNES, L]  
**Sent:** 9/25/2019 12:21:43 PM  
**To:** Suzanne Morgan [smorgan@plasticsindustry.org]  
**Subject:** RE: Stakeholder mtg: OECD Council Decision & plastic scrap

Hi Suzanne,

Should I add your contact info to our Basel stakeholder list in lieu of Scott?

Thanks,

Lia

Liabeth Yohannes  
International Branch  
Office of Resource Conservation and Recovery  
U.S. EPA Office of Land and Emergency Management  
[Yohannes.lia@epa.gov](mailto:Yohannes.lia@epa.gov)  
+1.703.308.8413

---

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**Sent:** Tuesday, September 24, 2019 5:12 PM  
**To:** Yohannes, Lia <Yohannes.Lia@epa.gov>  
**Subject:** Re: Stakeholder mtg: OECD Council Decision & plastic scrap

Yes, I should call in. Thanks.

**Suzanne Morgan**  
Senior Director, Government Affairs & Grassroots Advocacy  
d. 202.974.5218 | m. 202.246.6985



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**From:** Patty Long <[plong@plasticsindustry.org](mailto:plong@plasticsindustry.org)> on behalf of Yohannes, Lia <[Yohannes.Lia@epa.gov](mailto:Yohannes.Lia@epa.gov)>  
**Sent:** Tuesday, September 24, 2019 4:59:28 PM

**To:** Suzanne Morgan <[smorgan@plasticsindustry.org](mailto:smorgan@plasticsindustry.org)>  
**Subject:** FW: Stakeholder mtg: OECD Council Decision & plastic scrap  
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This just came in for Scott. Any interest in attending?

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**From:** Yohannes, Lia <[Yohannes.Lia@epa.gov](mailto:Yohannes.Lia@epa.gov)>

**Sent:** Tuesday, September 24, 2019 4:58 PM

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**Subject:** Stakeholder mtg: OECD Council Decision & plastic scrap  
**When:** Tuesday, October 1, 2019 1:00 PM-2:00 PM (UTC-05:00) Eastern Time (US & Canada).  
**Where:** # Ex. 6 Personal Privacy (PP)

Dear stakeholders,

We'd like to give a readout of the first in-person meeting (September 19-20) of the OECD Ad Hoc group established to develop an approach for the import and export of plastic scrap among OECD countries under the OECD Council Decision C(2001)107 on the Control of Transboundary Movements Of Wastes Destined For Recovery Operations.

The call-in number for the conference call is 202-991-0477 and the access code is 3625162#

**Background:** As most of you know, the Parties to the Basel Convention recently decided to make most plastic scrap and waste Basel-covered waste which will be subject to a prior notice and consent procedure effective January 1, 2021. While the U.S. is not a Basel Party, the U.S. is able to export and import waste under a legally binding agreement through the Organization for Economic Cooperation and Development (OECD) called the OECD Council Decision C(2001)107 on the Control of Transboundary Movements Of Wastes Destined For Recovery Operations. Because of the changes to the Basel Convention to regulate transboundary movements of most plastic scrap, OECD countries must now decide what level of control to apply to such trade under the OECD Council Decision. The OECD created an Ad Hoc group



(the OECD Ad Hoc Task Team) to reach consensus on the issue and the group held its first in-person meeting on September 19-20.

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Message

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**Subject:** 12th WPRPW Meeting - Key deadlines and decisions

**Attachments:** ATT00001.txt

**Importance:** High

**To:** WPRPW Delegates  
WPRPW Observers  
WPRPW Accession countries  
WPRPW Key Partners  
**Cc:** Environment Permanent Delegations to the OECD

Dear Colleagues,

Many thanks for the good discussions at last week's WPRPW meeting.  
As usual, here is an email to recap the key deadlines for comments and decisions taken.

**Item 4: Implications of Basel decisions:**

- Nominations to ad hoc group to seek consensus: **by 5 July 2019** – A separate message will be sent shortly;
- The Secretariat will develop ToRs for the ad hoc group;
- The Secretariat aims to organise a first conference call of the ad hoc group in mid-July;
- The first face-to-face meeting of the group could take place in mid-September at the OECD Headquarters.

**Item 5a) Digitalisation:** ENV/EPOC/WPRPW(2019)1 – comments **by 5 July 2019**

**Item 5b) Macroeconomic consequences:** ENV/EPOC/WPIEEP(2019)11 – comments **by 5 July 2019**

**Item 5d) Pharmaceutical Waste:** ENV/EPOC/WPRPW(2019)5 – comments **by 5 July 2019**

**Item 7a) Circular economy labels and information systems:** ENV/EPOC/WPRPW(2019)2 – comments **by 5 July 2019**

**Lithium battery case study:** ENV/EPOC/WPRPW(2019)7 – comments **by 5 July 2019**

**Item 7b) Plastics in the Environment:**

- Single use plastics: ENV/EPOC/WPRPW(2019)3 – comments **by 5 July 2019**
- Sustainable plastics design from a chemicals perspective: nominations to expert group **by end July 2019**. The group is expected to discuss via e-mail, with no in-person meetings.
- Alignment of chemicals and waste regulation: proposals for case studies are welcome **by end July 2019**.

Please also note the date of our next meeting will be pushed into early 2020 so as to give us more time to find a consensus on changes to be made to the OECD system of transboundary movements of waste.

Exact dates will be communicated as soon as possible.

Kind regards,

Peter and Team



**Peter Börkey**  
Principal Administrator  
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## Second Meeting of the Ad Hoc Open Ended Expert Group on Marine Litter and Micro-plastics

### Business and Industry Major Group Submission

The Business and Industry major group welcomes the opportunity to contribute to the second meeting of the Ad Hoc Open Ended Expert Group on Marine Litter and Micro-plastics.

The use of plastics in emerging economies is a sign of a growing middle class with increased access to fresh foods, clean water, personal care products, essential health care items and facilities, energy, connectivity, transportation systems, and employment. Unfortunately, in some regions, growing demand for consumer goods has outpaced the infrastructure needed to manage used materials of all kinds.

Business and industry wants to be part of the solution and appreciates the opportunity to collaborate with member states and other stakeholders to develop policies and initiatives that will have a real impact where help is needed most.

Based on the relevant working papers and information papers prepared for this meeting we would like to highlight the following points for consideration by member states.

#### **Information and Monitoring**

- Business and industry appreciates the presentation from the World Health Organization (WHO) and found it to be very informative in terms of highlighting just how much we don't know and that we need to be careful with the conclusions we make with such an incomplete data set.
- The WHO's assertion that we currently don't have data on the impact of microplastics to human health and that the few studies performed to date in marine life have used concentrations that are inconsistent with real world conditions argues for the need for additional information on the impact of microplastics on human health and we welcome additional work in this area. We firmly support interventions made by various member states that the science should inform our actions and that we need to proceed with an evidence-based approach.
- We also agree that a better understanding of sources of marine debris, including the identification of gaps in solid waste infrastructure capacity of member states to reduce leakage of plastic to the ocean.
- We agree that more information is needed in a number of areas. We also agree with member states regarding the need to move quickly in the near-term to advance flexible and feasible actions that will help to reduce the amount of litter leaking into our ocean. Thus, we support prioritization of monitoring of the marine environment, identification of the material entering our ocean, and support for land based waste management.
- We also see a need for additional information regarding the environmental benefits and costs of alternatives to plastics.

- A 2016 study conducted by [ [HYPERLINK "https://plastics.americanchemistry.com/Plastics-and-Sustainability.pdf"](https://plastics.americanchemistry.com/Plastics-and-Sustainability.pdf) ], which updated a similar study for the U.N. in 2014, found that replacing plastics in packaging and consumer products with alternative materials could raise environmental costs nearly fourfold. Environmental costs include more food and packaging waste, more fuel used in transportation, more litter, and increased greenhouse gas emissions.
- More recently a 40-strong group led by academics from Heriot-Watt University drawing expertise from engineering, science, economics and social science, said that replacing plastics with other packaging such as glass or metal could double global energy consumption and could lead to a tripling of greenhouse gas emissions. The [ [HYPERLINK "https://wedocs.unep.org/bitstream/handle/20.500.11822/25485/plastic\\_alternative.pdf?sequence=1&isAllowed=y"](https://wedocs.unep.org/bitstream/handle/20.500.11822/25485/plastic_alternative.pdf?sequence=1&isAllowed=y) ]” also supports this.
- All human activity has an impact on the planet, thus we have to be careful that a mission to reduce one type of impact, in this case ocean plastics, does not result in the unintended consequence of increasing another.
- We note the discussions by member states indicating some of the unintended consequences of alternatives. For example, problems with so called “biodegradable” materials not actually degrading in the environment under natural conditions or the issue of more material going to landfills after existing plastic products are replaced because alternatives use more material or negatively impact the recycling market. UNEP’s report, “[ [HYPERLINK "http://wedocs.unep.org/bitstream/handle/20.500.11822/7468/-Biodegradable\\_Plastics\\_and\\_Marine\\_Litter\\_Misconceptions%2c\\_concerns\\_and\\_impacts\\_on\\_marine\\_environments-2015BiodegradablePlasticsAndMarineLitter.pdf.pdf?sequence=3&isAllowed=y"](http://wedocs.unep.org/bitstream/handle/20.500.11822/7468/-Biodegradable_Plastics_and_Marine_Litter_Misconceptions%2c_concerns_and_impacts_on_marine_environments-2015BiodegradablePlasticsAndMarineLitter.pdf.pdf?sequence=3&isAllowed=y) ]”, noted that “biodegradable” plastics are not the answer to marine litter.

## **Governance**

- Business and industry supports the statements regarding the need for caution when considering a legally binding treaty when there is a great deal of uncertainty and the priorities for such a treaty are not defined. We need to carefully consider the options that would make sense to pursue in a global setting vs regional, national, and subnational settings.
- We also support statements noting the importance of allowing flexibility for countries to choose the options and solutions that fit their situation best. We agree that solutions in some countries may not work in others and countries need to be able to select the policies and actions that fit their national circumstances.
- Business and industry also recognizes the concerns raised regarding the resources involved in negotiating a legally binding treaty and that careful consideration should be made as to what would be the most efficient and expeditious pathway.
- We appreciate the work performed by the UNEP Secretariat to begin to examine the feasibility, effectiveness, limitations, and gaps in existing conventions, agreements, and international bodies and initiatives. This work has reinforced the need to utilize existing mechanisms and expertise as we agree that we must make sure that we do not duplicate efforts that are being undertaken in other

fora including but not limited to the Basel and Stockholm conventions, SAICM, MARPOL and the Regional Seas Programmes. We also agree with member states that additional work in this area would be helpful to further identify gaps and how existing mechanisms could be strengthened.

- We agree that better coordination of existing efforts is needed, although question whether a legally binding mechanism would be the most expedient and effective process for increasing coordination.
- We support the need for more harmonized data collection methodologies, standards, common language, common units, as well as mechanisms to increase access to relevant data, however, again we question whether a legally binding architecture is the most effective mechanism of developing responses to these needs.
- We also welcome efforts to explore the feasibility and effectiveness of the Global Partnership on Marine Litter (GPML) or the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities (GPA) to serve in a central coordination role.
- Strengthening of the GPA could include a focus on:
  - Collection, standardization, and dissemination of information related to marine debris.
  - Developing and sharing standardized methods for data collection on waste generation, collection, and treatment.
  - Disseminating information to policy makers on best practices for waste collection, complementing ongoing efforts in other fora (e.g. Basel Partnership on Household Waste); handling, and processing technologies; and information regarding life-cycle assessment and environmental trade-offs of various materials to reduce the chance for harmful substitutions resulting from bad policy decisions.

### **Options for Policy Makers**

In terms of options for policy makers to consider, we believe that we should carefully follow the mandate from the marine litter resolution adopted at UNEA-3. Solutions to the issue of marine litter, and more specifically plastic marine litter, must be viewed in the context of the Sustainable Development Goals (SDGs) and the 2030 Agenda for Sustainable Development.

Plastics are critical to achieving the SDGs, plastic packaged food lasts longer, reducing wastage; use of plastic in pipes facilitates clean drinking water supplies; plastic enables lifesaving medical devices such as surgical equipment and drips; and due to its light weight, plastic use in vehicles has reduced carbon dioxide emissions from the transportation sector.

We agree that the ocean can't wait and suggest the following as options policy makers should consider to take this work forward:

- Further examine voluntary coordinating mechanisms such as the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities and its Global Partnership on Marine Litter (GPML).



- Develop a series of focused, contextually structured cost benefit studies on different aspects including:
  - Improving resource efficiency and basic solid waste collection, transport and recycling rates including through new technologies and innovations.
  - Collate examples of costs of inaction in different contexts arising from lack of adequate waste management in freshwater, marine environments and on land; inadequate sectoral controls (e.g. fishing gears); poor air quality controls; and climate change.
  - Gather information on the status of basic solid waste infrastructure at the national level and regional level including waste characterizations where possible.
  - Develop a report on the harmonization of monitoring frameworks, indicators, and data on marine litter, for example between the Regional Seas Conventions; drawing from the ongoing work of the Joint Group of Experts on Scientific Aspects of Marine Environmental Protection.
  - Work with other initiatives and conventions to analyze potential investment instruments for waste and wastewater technology infrastructure, research and development and capacity building.
  - Analyze the barriers at the national level to enhance solid waste infrastructure and recycling.

## **Conclusion**

We welcome the opportunity to contribute to these discussions. The business community is actively developing forward looking, ambitious, yet achievable, goals. Flexibility in allowing different sectors of the economy and regions to develop their own goals is allowing for the broadest range of commitments to be put forward, which further argues for a sub-global approach to certain issues. We are developing new technologies and innovations to recover value from all plastics, we are designing products and packaging for optimal efficiency and greater recyclability. For example, new innovations are being developed to break down plastics into their basic molecules so used plastics can be a feedstock. These technologies can produce raw materials for new plastics, basic chemicals for manufacturing, transportation fuels, waxes, and lubricants. The plastics industry is also advancing a more circular economy, developing new solvents, additives, and compatibilizers for processing and reusing mixed plastics. We are also working with groups such as Circulate Capital to support innovative financing structures to improve waste management and recycling where it is needed most. We agree that the status quo is not an option and look forward to continuing to engage in this process.

Message

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**From:** Picardi, Rick [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=15E2DC5D6F3748F98905C93A1037D158-RPICARDI]  
**Sent:** 2/7/2019 7:19:48 PM  
**To:** Harris, Stewart [Stewart\_Harris@americanchemistry.com]  
**Subject:** RE: Basel Convention

Hi

I'm glad you were invited to the stakeholder call since I thought that Lia had asked State to include you. We coordinate with the EPA Office of International and Tribal Affairs on Basel, particularly on the U.S. ratification of the Basel Convention – which is on an on-again off-again effort. Chad has been interested in Basel which we appreciate.

I look forward to connecting later.

Have a good one  
Rick

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**From:** Harris, Stewart <Stewart\_Harris@americanchemistry.com>  
**Sent:** Thursday, February 07, 2019 2:10 PM  
**To:** Picardi, Rick <Picardi.Rick@epa.gov>  
**Cc:** Yohannes, Lia <Yohannes.Lia@epa.gov>  
**Subject:** RE: Basel Convention

Hi Rick,

Thanks for the note. I have been on the road a bit too much and could not remember who had the lead at EPA for Basel and so reached out to Walker and Janice!

Yes, I was invited to the stakeholder call with State and have been in close contact with staff.

Given the interest of Assistant Administrator McIntosh I thought it would be good to provide an update to your team as well. As you see from our previous comments and the proposed change, we are evolving our position on Basel.

It would be great to connect with you and Lia when she returns.

Take care,  
Stew

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**From:** Picardi, Rick [<mailto:Picardi.Rick@epa.gov>]  
**Sent:** Thursday, February 7, 2019 2:03 PM

**To:** Harris, Stewart <Stewart\_Harris@americanchemistry.com>

**Cc:** Yohannes, Lia <Yohannes.Lia@epa.gov>

**Subject:** FW: Basel Convention

Hi Stewart

It was good to meet you at the AHOOEG meeting in Geneva. I hope you had wonderful holidays.

Thanks for the materials and comments. My office is closely following and responding to the Norwegian proposals on plastic. My office is the one that sends EPA representatives to Basel Convention meetings. We work with counterparts at the State Department who are also part of the U.S. government delegation at Basel meetings. State organized an industry stakeholder conference call on January 31 to discuss the Norwegian proposals. Were you invited to that call? If not, I'll ask State to invite you to future stakeholder meetings.

We'd be glad to talk to you about the Norwegian proposals. Our Basel lead is Lia Yohannes.

**Ex. 6 PP / Ex. 7(C)**

**Ex. 6 PP / Ex. 7(C)**

Thanks

Rick Picardi

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**From:** Devlin, Betsy

**Sent:** Thursday, February 07, 2019 1:27 PM

**To:** Picardi, Rick <[Picardi.Rick@epa.gov](mailto:Picardi.Rick@epa.gov)>

**Subject:** FW: Basel Convention

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**From:** Smith, Walker

**Sent:** Thursday, February 7, 2019 11:55 AM

**To:** Devlin, Betsy <[Devlin.Betsy@epa.gov](mailto:Devlin.Betsy@epa.gov)>

**Subject:** FW: Basel Convention

Per my phone call

*Walker B. Smith*

*Director*

*Office of Global Affairs and Policy*

*Office of International and Tribal Affairs*

*U.S. Environmental Protection Agency*

*202.564.4044*

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**From:** Harris, Stewart [[mailto:Stewart\\_Harris@americanchemistry.com](mailto:Stewart_Harris@americanchemistry.com)]

**Sent:** Wednesday, February 06, 2019 8:03 PM

**To:** Smith, Walker <[Smith.Walker@epa.gov](mailto:Smith.Walker@epa.gov)>; Sims, JaniceHQ <[Sims.JaniceHQ@epa.gov](mailto:Sims.JaniceHQ@epa.gov)>

**Subject:** Basel Convention

Hi Walker and Janice,

I can't recall if either of you work Basel, but I thought I would reach out to provide a quick update. Last year, Keith, Steve, and I met with Chad to talk about international issues generally. He asked that we keep him informed on Basel among other things.

Let me know if you have any questions or would like to discuss our thinking.

Take care,  
Stew

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**From:** Harris, Stewart  
**Sent:** Wednesday, February 6, 2019 7:53 PM  
**To:** McIntosh, Chad <[mcintosh.chad@epa.gov](mailto:mcintosh.chad@epa.gov)>  
**Cc:** Zumwalt, Bryan <[Bryan\\_Zumwalt@americanchemistry.com](mailto:Bryan_Zumwalt@americanchemistry.com)>; Keith Christman  
([Keith\\_Christman@americanchemistry.com](mailto:Keith_Christman@americanchemistry.com)) <[Keith\\_Christman@americanchemistry.com](mailto:Keith_Christman@americanchemistry.com)>  
**Subject:** Basel Convention

Hi Chad,

I hope you are well.

ACC is in the process of updating our strategy for the Basel Convention consideration of plastic waste. In addition to supporting the creation of a Partnership on Plastic Waste and opposing Norway's proposal, we are considering supporting a review of the annexes for plastic waste.

The attached document was sent to our member companies in advance of an upcoming board meeting. Initial feedback I received has been good, with members stressing that we remain deeply engaged in the Partnership on Plastics Waste (assuming the COP approves its creation) as well as any effort to review the annexes. Also attached are ACC's comments on the Partnership on Plastic Waste and Norway's proposal to amend the annexes.

I recently learned that the EU is considering supporting the Norway proposal to amend the annexes for plastic waste under Basel, if an exemption is added for trade within Europe. I am very concerned that if the EU supports the Norway proposal there will be few countries left to push back. I am in touch with my colleagues at PlasticsEurope who are working the issue.

Keith and I are happy to meet or jump on a call to discuss our thinking. I will keep you informed as we move forward.

Take care,  
Stew

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